

EXHIBIT 7

LISA CARWYLE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JOHN RASH,

Plaintiff,

v.

CIVIL ACTION NO.:
3:20-cv-224-NBB-RP

LAFAYETTE COUNTY,
MISSISSIPPI,

Defendant.

VIDEOTAPED REMOTE DEPOSITION OF
LISA CARWYLE

Thursday, December 17, 2020

9:06 a.m. Central Standard Time

Reported by:

GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

JOB NO. 187733

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1 LISA CARWYLE

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6 December 17, 2020

7 9:06 a.m. Central Standard Time

8

9 Videotaped remote deposition of

10 LISA CARWYLE, before Greta H. Duckett, CCR,

11 RPR, CRR, CVR-S, RVR-M-S.

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3 EXAMINATION INDEX

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5 LISA CARWYLE

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7 BY MR. TOM 10

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1 LISA CARWYLE

2 A P P E A R A N C E S

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4 FOR THE PLAINTIFF:

5

6 By: Joshua Tom, Esq.

7 ACLU OF MISSISSIPPI

8 P.O. Box 2242

9 Jackson, Mississippi 39225

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13 FOR THE DEFENDANT:

14

15 By: David O'Donnell, Esq.

16 CLAYTON O'DONNELL

17 1403 Van Buren Avenue

18 Oxford, Mississippi 38655

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21

22 ALSO PRESENT:

23

24 Bill Thomas, videographer

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2 EXHIBIT INDEX

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4 EXHIBIT 1 Facility Use Policy, 31
effective date 4/20/2015;

5 Bates Lafayette County
DOC000002 to Lafayette
County DOC000005

6 EXHIBIT 2 Facility Use Policy, 41
effective date 3/4/2019;

7 Bates Lafayette County
DOC000006 to Lafayette
County DOC000010

8 EXHIBIT 3 2/26/2019 email to Frye, 49
Supervisor, from Carwyle

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10 EXHIBIT 4 3/13/2019 email to Carwyle 55
from YAC Operations; Bates
Lafayette County DOC000119
to Lafayette County
DOC000121

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12 EXHIBIT 5 2/21/2019 email to 57
Supervisor, David
O'Donnell, Baretta Mosley,
from Carwyle; Bates
Lafayette County DOC000091
to Lafayette County
DOC000094

13

14 EXHIBIT 6 12/12/2019 email to Jenn 62
Petermann from Carwyle;
Bates Lafayette County
DOC000196 to Lafayette
County DOC000197

15

16 EXHIBIT 7 Order: Amend Facility Use 76
Policy Regarding Use of
Courthouse Grounds

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18 EXHIBIT 8 Photograph 87

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<p>Page 6</p> <p>1 LISA CARWYLE EXHIBIT INDEX, CONTINUED</p> <p>2</p> <p>3</p> <p>4 EXHIBIT 9 6/23/2020 email to 89 O'Donnell and East from Carwyle; Bates Lafayette 5 County DOC000274 to Lafayette County DOC000281</p> <p>6</p> <p>7 EXHIBIT 10 6/17/2020 email to East 91 from Carwyle; Bates Lafayette County DOC000249 8 to Lafayette County DOC000270</p> <p>9</p> <p>10 EXHIBIT 11 6/29/2020 email to Carwyle 103 and East from O'Donnell; Bates Lafayette County 11 DOC000291 to Lafayette County DOC000292</p> <p>12</p> <p>13 EXHIBIT 12 6/30/2020 email to Carwyle 104 from East; Bates Lafayette County DOC000296 to Lafayette County DOC000302</p> <p>14</p> <p>15 EXHIBIT 13 7/1/2020 email to East, 108 O'Donnell, and Supervisor, from Carwyle; Bates Lafayette County DOC000305 17 to Lafayette County DOC000307</p> <p>18</p> <p>19 EXHIBIT 14 7/1/2020 email to Carwyle 110 from East; Bates Lafayette County DOC000311 to Lafayette County DOC000317</p> <p>20</p> <p>21 EXHIBIT 15 7/16/2020 email to East, 115 O'Donnell, and Supervisor, from Carwyle; Bates Lafayette County DOC000324 23 to Lafayette County DOC000329</p> <p>24</p> <p>25</p>	<p>Page 7</p> <p>1 LISA CARWYLE EXHIBIT INDEX, CONTINUED</p> <p>2</p> <p>3</p> <p>4 EXHIBIT 16 Order: Approve Revision of 120 Facilities Use Policy to Include a Requirement of 5 Application to be Made 14 Days Prior to Date of 6 Proposed Use and Requiring Closure of Courthouse 7 Grounds 30 Minutes Before Dusk; Bates Lafayette County DOC000001</p> <p>8</p> <p>9 EXHIBIT 17 7/27/2020 email to 135 Supervisor, East, and O'Donnell from Carwyle; 10 Bates Lafayette County DOC000330 to Lafayette County DOC000331</p> <p>11</p> <p>12</p> <p>13 EXHIBIT 18 9/4/2020 email to Harris 137 from Carwyle; Bates Lafayette County DOC000041 14 to Lafayette County DOC000045</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>Page 8</p> <p>1 LISA CARWYLE</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 morning. My name is William</p> <p>4 Thomas. I am a certified legal</p> <p>5 videographer, in association with</p> <p>6 TSG Reporting.</p> <p>7 Due to the severity of the</p> <p>8 COVID-19 outbreak and following the</p> <p>9 practice of social distancing, I</p> <p>10 will not be in the same room with</p> <p>11 the witness. Instead, I will</p> <p>12 record this videotaped deposition</p> <p>13 remotely. The reporter, Greta</p> <p>14 Duckett, also will not be in the</p> <p>15 same room and will swear the</p> <p>16 witness remotely.</p> <p>17 Do all parties stipulate to</p> <p>18 the validity of this video</p> <p>19 recording and remote swearing, and</p> <p>20 that it will be admissible in the</p> <p>21 courtroom as if it had been taken</p> <p>22 following Rule 30 of the Federal</p> <p>23 Rules of Civil Procedures and the</p> <p>24 state's rules where this case is</p> <p>25 pending?</p>	<p>Page 9</p> <p>1 LISA CARWYLE</p> <p>2 MR. TOM: Josh Tom on behalf</p> <p>3 of plaintiffs. So stipulated.</p> <p>4 MR. O'DONNELL: And David</p> <p>5 O'Donnell. No objection per se,</p> <p>6 but reserving objections on an</p> <p>7 evidentiary basis later.</p> <p>8 THE VIDEOGRAPHER: All right.</p> <p>9 Thank you very much.</p> <p>10 So this is the start of media</p> <p>11 number 1 of the video-recorded</p> <p>12 deposition of Lisa Carwyle, taken</p> <p>13 in the matter of John Rash versus</p> <p>14 Lafayette County, Mississippi.</p> <p>15 This is in the United States</p> <p>16 District Court, Northern District</p> <p>17 of Mississippi, Oxford Division,</p> <p>18 Number 3:20-CV-224-NBB-RP.</p> <p>19 This is taking place on Zoom.</p> <p>20 The time is 9:08 Central time on</p> <p>21 December 17th, 2020.</p> <p>22 My name is William Thomas.</p> <p>23 I'm the videographer. The court</p> <p>24 reporter is Greta Duckett. Both of</p> <p>25 us are with TSG Reporting.</p>

<p style="text-align: right;">Page 10</p> <p>1 LISA CARWYLE</p> <p>2 Counsel, would you now</p> <p>3 identify yourselves for this</p> <p>4 proceeding?</p> <p>5 MR. TOM: Joshua Tom, with</p> <p>6 the ACLU of Mississippi, on behalf</p> <p>7 of plaintiff, John Rash.</p> <p>8 MR. O'DONNELL: David</p> <p>9 O'Donnell, on behalf of Lafayette</p> <p>10 County, Mississippi.</p> <p>11 THE VIDEOGRAPHER: Thank you</p> <p>12 very much. The court reporter may</p> <p>13 now swear in the witness.</p> <p>14 LISA CARWYLE,</p> <p>15 the witness, having first been duly</p> <p>16 sworn to speak the truth, the whole truth and</p> <p>17 nothing but the truth, testified as follows:</p> <p>18 EXAMINATION</p> <p>19 BY MR. TOM:</p> <p>20 Q. Good morning, Ms. Carwyle. Nice to</p> <p>21 see you again.</p> <p>22 A. Good morning.</p> <p>23 Q. My name is Josh Tom, and, as you</p> <p>24 know, I represent plaintiff, John Rash, in this</p> <p>25 action against Lafayette County, and I'm going</p>	<p style="text-align: right;">Page 11</p> <p>1 LISA CARWYLE</p> <p>2 to be taking your deposition today.</p> <p>3 Please state your full name for the</p> <p>4 record and spell it.</p> <p>5 A. Lisa -- L-I-S-A -- Carwyle --</p> <p>6 C-A-R-W-Y-L-E.</p> <p>7 Q. Can we agree that, given the</p> <p>8 virtual nature of this deposition and the</p> <p>9 inability to see what is off camera, that</p> <p>10 you'll not communicate with anyone during the</p> <p>11 deposition, excluding breaks, that is not</p> <p>12 apparent and audible to me and the court</p> <p>13 reporter?</p> <p>14 A. Yes.</p> <p>15 Q. Have you been deposed in any other</p> <p>16 matter?</p> <p>17 A. No.</p> <p>18 Q. So this is your first deposition?</p> <p>19 A. It is.</p> <p>20 Q. Now, before we get into the</p> <p>21 questions, I want to go over some ground rules,</p> <p>22 just so we can have a smooth and understandable</p> <p>23 deposition for us and for the court reporter.</p> <p>24 Do you understand that you're</p> <p>25 obligated to give complete and truthful answers</p>
<p style="text-align: right;">Page 12</p> <p>1 LISA CARWYLE</p> <p>2 to my questions today?</p> <p>3 A. Yes.</p> <p>4 Q. Do you understand that this is the</p> <p>5 same as if you were in court, and even though</p> <p>6 we're not in court, you still have the</p> <p>7 obligation to tell the truth?</p> <p>8 A. Yes.</p> <p>9 Q. Because the court reporter is</p> <p>10 taking down your testimony, you must speak up</p> <p>11 and give oral answers instead of nodding or</p> <p>12 shaking your head.</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. If you don't understand a question,</p> <p>16 will you let me know, and I'll rephrase it?</p> <p>17 A. Yes.</p> <p>18 Q. If you need a break, tell me or</p> <p>19 your counsel, but please do not ask for a break</p> <p>20 or confer with your counsel while there is a</p> <p>21 question pending.</p> <p>22 A. Okay.</p> <p>23 Q. It's best if we not talk over each</p> <p>24 other, because it's difficult for the court</p> <p>25 reporter to understand and take down that</p>	<p style="text-align: right;">Page 13</p> <p>1 LISA CARWYLE</p> <p>2 information. So please let me finish the</p> <p>3 question, and I'll let you finish the answer</p> <p>4 before I ask another question. Okay?</p> <p>5 A. Okay.</p> <p>6 Q. Are you taking any medication or</p> <p>7 drugs that would impair your memory or ability</p> <p>8 to understand my questions today?</p> <p>9 A. No.</p> <p>10 Q. Is there any other reason you can't</p> <p>11 give full, complete, and truthful answers</p> <p>12 today?</p> <p>13 A. No.</p> <p>14 Q. Is there any question that you have</p> <p>15 about the procedures that we'll follow today?</p> <p>16 A. No.</p> <p>17 Q. What did you do to prepare for this</p> <p>18 deposition?</p> <p>19 A. I met -- I'm sorry. I'm trying to</p> <p>20 adjust my volume for a minute. I met with</p> <p>21 Mr. O'Donnell and went over the documents that</p> <p>22 we submitted.</p> <p>23 Q. And was anyone else at that meeting</p> <p>24 besides you and Mr. O'Donnell?</p> <p>25 A. No.</p>

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1 LISA CARWYLE

2 Q. And when did you meet with

3 Mr. O'Donnell?

4 MR. O'DONNELL: Did you turn

5 it up?

6 THE WITNESS: Yeah. I got

7 it. I'm sorry. My volume was --

8 A. Yesterday.

9 MR. O'DONNELL: Josh, can you

10 hear us?

11 MR. TOM: Yes.

12 THE WITNESS: Okay.

13 MR. TOM: I can hear you.

14 BY MR. TOM:

15 Q. And you mentioned documents. Which

16 documents did you review?

17 MR. O'DONNELL: Well, I would

18 object to that on the basis of

19 work-product privilege, so I

20 instruct the witness not to answer

21 that question. If you want to ask

22 her specifically about which

23 document she reviewed that

24 refreshed her memory, that's fine.

25 But outside of that, I object.

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1 LISA CARWYLE

2 you -- have you or do you hold any other

3 employment?

4 A. No.

5 Q. Now, let's briefly go over your

6 educational background. Did you graduate from

7 college?

8 A. I did.

9 Q. And where did you graduate?

10 A. From Ole Miss.

11 Q. Where did you graduate from high

12 school?

13 A. Lafayette High School in this

14 county.

15 Q. Do you have any other degrees or

16 certifications?

17 A. I have a master's degree in

18 accountancy from Ole Miss.

19 Q. Where did you work prior to

20 becoming county administrator?

21 A. I was the city clerk for the City

22 of Oxford.

23 Q. And what were the dates that you

24 held your position as city clerk?

25 A. From March of 2003 to January of

Page 15

1 LISA CARWYLE

2 BY MR. TOM:

3 Q. Okay. Now, did you do anything

4 else to prepare for this deposition besides

5 your meeting with Mr. O'Donnell yesterday?

6 A. No.

7 Q. Have you discussed anything related

8 to today's deposition with anyone else?

9 A. No.

10 Q. Did you speak with any Lafayette

11 County board of supervisors about today's

12 deposition?

13 A. No.

14 Q. Did you speak with Sheriff Joey

15 East about today's deposition?

16 A. No.

17 Q. Did you do anything else to prepare

18 for today?

19 A. No.

20 Q. What's your current position?

21 A. I'm the county administrator.

22 Q. And what's the month and year you

23 began as county administrator?

24 A. January 2016.

25 Q. As county administrator, have

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1 LISA CARWYLE

2 2016.

3 Q. While you were city clerk, did you

4 have other employment at the same time?

5 A. No.

6 Q. What was your employment directly

7 before city clerk?

8 A. I was the accountant for the City

9 of Oxford Electric Department.

10 Q. And how long did you hold that

11 position?

12 A. It was from September of 1995 to

13 March of 2003.

14 Q. What was your position before the

15 position as accountant?

16 A. I was in college. I did -- I mean,

17 I had part-time jobs, but -- I graduated

18 college in May of '95 and started in September

19 of '95.

20 Q. I see. Are you a lifelong resident

21 of Lafayette County?

22 A. I am.

23 Q. Have you ever lived outside of

24 Lafayette County?

25 A. I have not.

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1 LISA CARWYLE

2 Q. Do you live in Oxford?

3 A. I do not.

4 Q. How far do you live from Oxford?

5 A. A mile. I don't know the --

6 Q. And how long have you lived in that

7 location?

8 A. Since 1998.

9 Q. Throughout this deposition, we're

10 going to be talking about Oxford's courthouse

11 square with the Lafayette County Courthouse in

12 its center. I'm going to refer to this area as

13 "the square" and this courthouse as "the county

14 courthouse" or "the courthouse."

15 Do you understand that?

16 A. I do.

17 Q. Do you go to the square?

18 A. I do.

19 Q. How often?

20 A. I mean, I drive through it every

21 day. When you say "go to," I don't know if you

22 mean get out and walk around or -- but, I mean,

23 I work a block from the square. So. . .

24 Q. So in addition to driving through

25 it every day, how often do you get out and walk

Page 20

1 LISA CARWYLE

2 Q. How do people use the square at

3 night?

4 A. They --

5 MR. O'DONNELL: Object to

6 form. Go ahead.

7 A. Go ahead. I mean, they go there to

8 eat and go to bars. I mean, we don't -- we

9 don't have a distinction between restaurant and

10 bars here, but. . .

11 Q. On Ole Miss football game days, is

12 it true that the square is very busy with lots

13 of people at day and night?

14 A. Yes.

15 Q. Is it true that there are many

16 events held on the courthouse grounds?

17 A. Define "many."

18 Q. How many events have been held on

19 the courthouse grounds per month since you've

20 been the county administrator?

21 A. I would say, average, since I've

22 been the county administrator, maybe one.

23 Q. How many events per year since

24 you've been county administrator have been held

25 on the courthouse grounds?

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1 LISA CARWYLE

2 in the square?

3 A. I'd say three to four times a week.

4 Q. How long have you been walking in

5 the square?

6 A. I mean, my whole life. Three to

7 four times a week, probably, since -- during my

8 professional career. Because I've always

9 worked on the square.

10 Q. So when you say your "professional

11 career," that's since 1995?

12 A. Yes.

13 Q. What do people do when they go to

14 the square?

15 A. Mainly, shop and eat.

16 Q. And do they do that at night as

17 well?

18 A. They eat at night. Most of the

19 shops are closed at night.

20 Q. Is it fair to say that the square

21 is where people go to socialize and enjoy the

22 city, including at night?

23 A. Yes.

24 Q. How is the square used at night?

25 A. I don't know what you mean.

Page 21

1 LISA CARWYLE

2 A. I don't have those exact numbers.

3 Q. Can you estimate?

4 A. I would estimate 10 to 12.

5 Q. How many events were held on the

6 courthouse grounds per year when you were city

7 clerk?

8 A. I couldn't answer that.

9 Q. Would you say that it's more or

10 less than when you were county administrator or

11 the city --

12 A. I mean, I -- if I had to say, I

13 would say less, but I was not -- I mean, I did

14 work on the square. It doesn't mean I was

15 walking out, looking to see who was on

16 the courthouse -- you know, how often somebody

17 was on the courthouse grounds.

18 Q. Now, there was a curfew imposed in

19 July of 2020, correct, on the --

20 A. Correct.

21 Q. -- courthouse grounds?

22 Now, before the curfew was imposed

23 in July of 2020, events were held at night on

24 the courthouse grounds, correct?

25 A. There were some, yes.

Page 22

1 LISA CARWYLE

2 Q. How many events per year since

3 you've been county administrator have been held

4 on the courthouse grounds at night?

5 A. Again, I don't have those exact

6 numbers. To estimate, I would say, per year,

7 since I've been county administrator, maybe two

8 or possibly three.

9 Q. Would you describe the square as

10 the heart of Oxford?

11 A. Yes.

12 Q. And what do you mean by that?

13 A. I mean, it's the -- pretty much

14 like the center of the town, I guess.

15 Q. And by "the center of the town,"

16 what does that mean?

17 A. Well, it's where a lot of activity

18 takes place, because a lot of your governmental

19 functions are on the square. And then, like I

20 mentioned earlier, restaurants and shopping.

21 Q. So is it fair to say that the

22 square is the center of Oxford's business,

23 social, and civic life?

24 A. The center of Oxford's business,

25 social, and civic life? Probably, yes.

Page 24

1 LISA CARWYLE

2 So are the county courthouse grounds part of

3 the square?

4 A. Well, I don't -- explain what you

5 mean when you say "part of the square." It's

6 owned by different entities, so. . .

7 Q. But beyond who owns it, like, when

8 you -- when someone goes to the square to

9 engage in all of the business and civic life,

10 would they also potentially -- strike that.

11 The courthouse grounds are not

12 separated from the square, are they?

13 A. Well, there's a fence around them.

14 Q. But there's also permanent openings

15 from -- onto the courthouse grounds, correct?

16 A. There's an -- yes. There's

17 openings in the fence for the -- to access

18 the --

19 Q. And those -- and those -- and those

20 openings have no gates or enclosures, do they?

21 A. Currently, they do not. We have, a

22 few months ago, gotten some quotes to possibly

23 put some gates up, but that would have to go

24 through archives and history in Jackson.

25 Q. If somebody were walking through

Page 23

1 LISA CARWYLE

2 Q. How long has the square been the

3 heart of Oxford?

4 A. I don't know.

5 Q. Can you estimate?

6 A. Well, I'm 47. I didn't -- I didn't

7 spend much of my youth up here. So I don't

8 know. I mean, since -- during my professional

9 career, yes, it's -- I would say that.

10 Q. For at least the past 25 years

11 is -- is what you're saying?

12 A. Yes.

13 Q. And the county courthouse lies at

14 the center of the square, correct?

15 A. Right.

16 Q. And the county courthouse grounds

17 are part of the square?

18 A. Well, the courthouse is in the

19 center, and the grounds are around the

20 courthouse.

21 Q. Are the county courthouse grounds

22 part of the square?

23 A. Yes. It's in the center of the

24 square.

25 Q. But this is a separate question.

Page 25

1 LISA CARWYLE

2 the square, they could freely walk onto and

3 through the courthouse grounds, correct?

4 A. Right now, yes, they could. During

5 the day.

6 Q. What happens at night?

7 A. Well, according to our policy,

8 they're not permitted to be there at night.

9 Q. And so the -- you're talking about

10 the curfew would prevent people from walking

11 onto the courthouse grounds at night?

12 A. Right.

13 Q. But there's no gates or barriers

14 that are put up at night onto the courthouse

15 grounds?

16 A. They've not been put up yet, no.

17 Q. And does the County intend to put

18 up gates or barriers around the courthouse?

19 A. It has been discussed. That's why

20 we got quotes.

21 Q. Are the courthouse grounds used for

22 assembly, protests, and other expressive

23 activity?

24 A. They -- yes. They're used for

25 protests, you know, through the permitting

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1 LISA CARWYLE

2 process.

3 Q. And before the July 2020 curfew was

4 implemented, were some of these protests at

5 night?

6 A. Yes.

7 Q. How long has the county courthouse

8 grounds been used for assembly, protests, and

9 other expressive activity?

10 A. I can't -- couldn't tell you prior

11 to January of 2016.

12 Q. So is your answer that "at least as

13 early as January 2016"?

14 A. Yes.

15 Q. And being a lifelong resident of

16 Lafayette County and having driven by the

17 square for, you know, all of your professional

18 life, have you seen assembly, protests, or

19 expressive activity on the county courthouse

20 grounds before January 2016?

21 A. Very few, but yes, I have.

22 Q. And when did you see that?

23 A. I couldn't -- I couldn't tell you a

24 date.

25 Q. Can you estimate?

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1 LISA CARWYLE

2 A. Day.

3 Q. And this -- and this was before

4 2016?

5 A. Yes.

6 Q. Do you have an estimate of when?

7 A. I do not.

8 Q. So besides Anthony Hervey, are

9 there any other protests or assemblies or

10 expressive activity that you've seen on the

11 county courthouse grounds before 2016?

12 A. Assemblies, I've seen -- I guess

13 you call it assembly, like, when the Maker's

14 Market would come.

15 Q. What's the Maker's Market?

16 A. It's like -- it's promoted by the

17 local arts group here for local artists to sell

18 some of their product.

19 Q. And when would the Maker's Market

20 happen?

21 A. Prior to '16 -- that's where you

22 started asking me this question -- or after

23 '16?

24 Q. When did the Maker's Market first

25 start?

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1 LISA CARWYLE

2 A. No. All I can say is I know there

3 was a guy that -- I now know his name is

4 Anthony Hervey -- who used to sit there in a

5 Confederate uniform and black flag. But I

6 couldn't tell you -- I don't know when that

7 started or -- I probably saw him there twice,

8 you know. I don't know how often he was there

9 or anything.

10 Q. And you said his name was Anthony

11 Hervey or Harvey?

12 A. I thought it was Hervey. It might

13 be Harvey. I'm not sure.

14 Q. We'll just call him Hervey. So

15 Anthony Hervey, where would he sit -- you said

16 he had -- he had a Confederate uniform or a

17 Confederate flag or both?

18 A. Sometimes both. I can't say he had

19 both every time I saw him, but. . .

20 Q. Where would he sit?

21 A. Beside the Confederate statue.

22 Q. And how many times did you see him

23 there?

24 A. Probably two.

25 Q. And was this at day or night?

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1 LISA CARWYLE

2 A. I don't know when it first started.

3 When I came here in January of '16, they were

4 setting up on the courthouse lawn.

5 Q. And how long did it -- did it last

6 after January 2016?

7 A. Probably two to three years.

8 Q. Do they still have the Maker's

9 Market on the courthouse square?

10 A. No.

11 Q. Before January 2016, did you see

12 the Maker's Market?

13 A. Yes.

14 Q. And for how many years did you see

15 it before 2016?

16 A. I don't know.

17 Q. Was it five years?

18 A. I don't think so.

19 Q. Less than five years?

20 A. I think it would be less than five

21 years, but it's not something I kept track of

22 at that point.

23 Q. So was the Maker's Market -- how

24 many times per year did that happen?

25 A. I think, like, eight to nine times.

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1 LISA CARWYLE

2 Q. Each year?

3 A. Right.

4 Q. Okay. And so you said it went

5 from, you know -- is it -- is it correct that

6 it went from, to your knowledge, around 2010 to

7 2019?

8 A. I do not know when it started.

9 Q. And was the Maker's Market a

10 daytime event or a nighttime event or both?

11 A. Daytime.

12 Q. Would it go into the evening?

13 A. No.

14 Q. And so it would always happen, to

15 your knowledge, for -- the Maker's Market that

16 we're talking about now is the one that

17 happened on the courthouse grounds, correct?

18 A. Right.

19 Q. Do they still hold it, but in a

20 different location?

21 A. I'm not sure.

22 Q. So besides, you know, Anthony

23 Hervey and the Maker's Market, what other

24 assemblies or protests or expressive activity

25 has happened on the courthouse grounds before

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1 LISA CARWYLE

2 can we go off record and

3 troubleshoot that?

4 MR. TOM: Sure.

5 THE VIDEOGRAPHER: We're

6 going off record. The time is

7 9:35.

8 (Recess from 9:35 a.m. to

9 10:02 a.m.)

10 THE VIDEOGRAPHER: Back on

11 record at 10:02.

12 BY MR. TOM:

13 Q. Hi, Ms. Carwyle. And so you have

14 access to the ShareFile?

15 A. I do.

16 Q. And can you open the document that

17 begins with the number 1?

18 A. I have it open.

19 Q. Do you recognize this document?

20 A. Yes.

21 Q. And what is it?

22 A. It is the facility use policy

23 adopted in April of 2015.

24 Q. Now, when you became the county

25 administrator in January of 2016, what was your

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1 LISA CARWYLE

2 2016?

3 A. I do not know.

4 MR. TOM: I'm going to show

5 you, Ms. Carwyle, Exhibit 1. And

6 I'm going to put it in the chat

7 here.

8 (Exhibit 1 was marked for

9 identification.)

10 BY MR. TOM:

11 Q. Once you have it, take a moment to

12 review it.

13 THE VIDEOGRAPHER: Is it

14 showing up for you?

15 THE WITNESS: No. In the

16 chat? No.

17 THE VIDEOGRAPHER: Could we

18 go off --

19 MR. O'DONNELL: I don't have

20 it either.

21 THE VIDEOGRAPHER: --

22 record and --

23 THE WITNESS: I'm sorry.

24 What?

25 THE VIDEOGRAPHER: Mr. Tom,

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1 LISA CARWYLE

2 process for determining permits under this

3 policy?

4 A. People -- you know, I'd get a

5 permit submission to me --

6 You said what was my process? I'm

7 sorry.

8 Q. Yes.

9 A. And I would check to see, you know,

10 if we had any -- if there was any conflicts

11 with that day or time. And then approve or

12 deny based on that.

13 Q. Was the process before you became

14 administrator different?

15 A. I would not know.

16 Q. What criteria were used to

17 determine whether to grant or deny a permit?

18 A. I would base it on whether they

19 followed the policy guidelines.

20 Q. And who else was involved in

21 administering the permit policy besides you?

22 A. Nobody.

23 Q. Was the sheriff involved?

24 A. In 2016, not really. We had a

25 different sheriff then, and just, you know -- I

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1 LISA CARWYLE

2 would talk to them -- I don't remember it

3 happening very often. Early on, you know, if

4 there was something that we thought would

5 require additional security or something they

6 needed to be made aware of.

7 Q. So you would contact the sheriff to

8 give that person a heads-up?

9 A. Yes.

10 Q. Did the sheriff have a role in

11 whether to grant or deny a permit at this time?

12 A. I don't think it ever happened

13 where they had -- had a role in it early on,

14 no.

15 Q. Was the board of supervisors

16 involved in the permitting process at this

17 time?

18 A. No.

19 Q. So is it fair to say that you were

20 the sole person that processed these permits,

21 but you would also pass them by the sheriff

22 sometimes?

23 A. Yes. The sheriff or his staff.

24 Q. And was there any -- anyone else

25 involved in the permitting process at this

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1 LISA CARWYLE

2 where it says applications for usage, there's a

3 one-week advance notice requirement, right?

4 A. Right.

5 Q. And when this 2015 policy was in

6 effect, did you ever need more than one week to

7 process a permit application?

8 A. I don't remember.

9 Q. On average, how many days would it

10 take you to process a permit when this policy

11 was in effect?

12 A. I'm not sure I can answer that,

13 because sometimes it took probably longer,

14 based on just what -- you know, what my other

15 duties were going on at that time. And I

16 just -- I don't know how long it took me to

17 process it or to answer them.

18 Q. Were there times where it took you

19 longer than a week to process a permit?

20 A. Probably.

21 Q. And how many times was that?

22 A. I don't know.

23 Q. So if someone applied for a permit

24 with less than one week's notice, could that

25 one-week notice provision be waived?

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1 LISA CARWYLE

2 time?

3 A. No.

4 Q. So you had the final say of whether

5 to grant a permit or not?

6 A. Right.

7 Q. Now, when you look at Exhibit 1,

8 you know, on the first page, it's Bates

9 number 2?

10 A. Right.

11 Q. So throughout this deposition, you

12 know, if you look down at these Bates numbers,

13 they say Lafayette County DOC, and then there's

14 a series of numbers. And whenever I refer to

15 the Bates number, I'll just say Bates number,

16 and then the number at the end.

17 Do you understand that?

18 A. I do understand that.

19 Q. Okay. Where it says Bates

20 number 2, provision 6 prevents profit-making

21 groups or for profit-making purposes on county

22 facilities, correct?

23 A. Right.

24 Q. And if you look at number 9 --

25 not -- apologies. If you look on Bates 4,

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1 LISA CARWYLE

2 A. Yes. It could be waived.

3 Q. And who decided whether to waive it

4 or not?

5 A. I would have.

6 Q. What criteria would you use to

7 determine --

8 A. I don't remember it coming up when

9 this was in play. I know, later on, you know,

10 in 2019 and '20, that I did. But I don't

11 remember it being discussed to waive or not

12 waive or me, you know, talking with the sheriff

13 in those days when this was in -- in effect.

14 Q. So when this was in effect, did you

15 waive the one-week notice requirement ever?

16 A. I don't remember waiving it, but I

17 don't know. I don't remember.

18 Q. Was it in your discretion to waive

19 the one-week notice requirement when the 2015

20 policy was in effect?

21 A. Yes. It would have been in my

22 discretion, I guess, but, again, I don't know

23 that I even thought about it like that, because

24 I don't remember it coming up at that time.

25 Q. What concerns was this 2015 policy

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1 LISA CARWYLE

2 designed to address?

3 A. I wasn't here when it was designed.

4 Q. When you were implementing this

5 policy, what concerns was it designed to

6 address?

7 MR. O'DONNELL: Object to

8 form. You can answer if you can.

9 A. Well, I don't understand the

10 question.

11 Q. Did the 2015 address public safety

12 concerns?

13 A. Did the 2015 policy address public

14 safety concerns?

15 Q. Yes.

16 A. I guess some -- somewhat, yes.

17 Like, it says you can't bring drugs on the

18 property; you can't bring alcohol on the

19 property.

20 Q. Any other public safety concerns?

21 A. I'm trying to look and see. Let

22 me -- hang on one second. I mean, it talks

23 about security being required, making sure they

24 had parking. So, I mean, I do think it

25 addressed some public safety concerns, yes.

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1 LISA CARWYLE

2 contacted the sheriff, besides February 2019?

3 A. I don't -- I know they were

4 contacted, maybe, when there were people there

5 who didn't have a permit. I remember that, you

6 know, but I don't know -- I don't remember a

7 specific permit that I received that I

8 contacted the sheriff.

9 Q. What do you mean -- or what events

10 or group of people were there without a permit

11 when you had to call the sheriff?

12 A. Well, I wouldn't call the sheriff,

13 but they would maybe call me because somebody

14 saw people up there asking if they had a

15 permit. And so the sheriff would call me to

16 see if they had a permit, you know, those type

17 of things.

18 Q. And do you remember some examples

19 of what kind of event that was?

20 A. I don't remember specifically. I

21 do not.

22 Q. So if you go to the share drive

23 again, will you open the document beginning

24 with number 2?

25 MR. O'DONNELL: Josh, just as

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1 LISA CARWYLE

2 Q. So when this policy was in effect,

3 you mentioned that sometimes you'd contact the

4 sheriff. Why would you contact the sheriff?

5 A. If I thought there was an issue

6 with -- that would need additional security, I

7 would contact the sheriff.

8 Q. And is there an example of that?

9 A. I know in -- I think it was

10 February of '19, we had a group request use

11 that we had heard might, you know, bring a

12 large number. And I know I contacted the

13 sheriff at that point.

14 Q. Were there any other times you

15 contacted the sheriff when this policy was in

16 effect?

17 A. I don't remember.

18 Q. And the event in February of 2019,

19 do you remember what that group was?

20 A. I think that was the George Johnson

21 permit.

22 Q. And was that permit granted?

23 A. It was.

24 Q. So when this policy was in effect,

25 do you remember any other times that you

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1 LISA CARWYLE

2 a housekeeping matter, are you --

3 when you refer to these items as

4 document 1, document 2, are you

5 wanting to attach these to the

6 deposition?

7 MR. TOM: Yeah. That's a

8 good call. Sorry about that.

9 So for the document number 1,

10 the March 2015 policy, I'd like to

11 introduce that as Exhibit 1. And

12 then for document 2, I'd like to

13 introduce that as Exhibit 2.

14 (Exhibit 2 was marked for

15 identification.)

16 BY MR. TOM:

17 Q. Take a look at Exhibit 2,

18 Ms. Carwyle, and take some time to review it.

19 A. Okay.

20 Q. Do you recognize this document?

21 A. Yes. I believe it is a draft of

22 the March 2019 facility use policy.

23 Q. So this is -- this is not the

24 final?

25 A. I believe the final was in -- was

<p style="text-align: right;">Page 42</p> <p>1 LISA CARWYLE</p> <p>2 document number 112.</p> <p>3 Q. The Bates number 112?</p> <p>4 A. Right.</p> <p>5 Q. Do you remember if there were any</p> <p>6 differences between the draft and the final?</p> <p>7 A. Just a couple. Not very many.</p> <p>8 Q. What were the differences?</p> <p>9 A. Line number 6. If you're looking</p> <p>10 at the document 6 on your screen, line number 6</p> <p>11 added a number 2. It was -- that said, For</p> <p>12 private social functions, such as weddings,</p> <p>13 birthdays, and anniversary parties is</p> <p>14 prohibited.</p> <p>15 Q. Were there any other differences</p> <p>16 between the draft and the final?</p> <p>17 A. And then on -- on what you're</p> <p>18 looking at, number 9, document 9. Under</p> <p>19 applications for usage, there was also a use</p> <p>20 fee applied: An hourly rate of \$50 per hour</p> <p>21 must accompany the application. An additional</p> <p>22 deposit may be required in the event the</p> <p>23 sheriff of Lafayette County determines that the</p> <p>24 event possesses unusual security and</p> <p>25 traffic-control measures.</p>	<p style="text-align: right;">Page 43</p> <p>1 LISA CARWYLE</p> <p>2 Q. Were there any other differences</p> <p>3 between this draft and the final?</p> <p>4 A. No.</p> <p>5 Q. So speaking about the final policy</p> <p>6 passed or adopted on March 4th, 2019, that</p> <p>7 policy extends the notice period from one week</p> <p>8 to 30 days, right?</p> <p>9 A. Right.</p> <p>10 Q. And it also -- the final policy</p> <p>11 adopted on March 4th, 2019, also gives the</p> <p>12 sheriff a role in assessing security concerns?</p> <p>13 A. Right.</p> <p>14 Q. Why was the policy amended in March</p> <p>15 2019?</p> <p>16 A. To address some security issues, to</p> <p>17 include language where sticks, et cetera, could</p> <p>18 not be carried when -- when somebody was</p> <p>19 approved for a permit. I'm trying to think</p> <p>20 what else. Due to the -- the -- us needing to</p> <p>21 make sure the sheriff is responsible for</p> <p>22 security on the courthouse grounds and trying</p> <p>23 to make sure that that could be done and done</p> <p>24 effectively, we added that language.</p> <p>25 Q. Which language?</p>
<p style="text-align: right;">Page 44</p> <p>1 LISA CARWYLE</p> <p>2 A. The language I just mentioned to</p> <p>3 you.</p> <p>4 Q. So all of the -- all of the new</p> <p>5 language, or just some of it?</p> <p>6 A. Well, the majority of it was due to</p> <p>7 the threat of security and safety concerns.</p> <p>8 Q. What was the rest? Why was the</p> <p>9 rest changed?</p> <p>10 A. Well, I don't -- I couldn't tell</p> <p>11 you the reasons for all of it. I mean,</p> <p>12 permission to use Lafayette County facilities</p> <p>13 does not constitute an endorsement by Lafayette</p> <p>14 County or Lafayette County Board of</p> <p>15 Supervisors.</p> <p>16 I don't know if that was done for</p> <p>17 security or safety reasons, but it doesn't</p> <p>18 quite seem like it to me. But that was a</p> <p>19 change.</p> <p>20 Q. So who concluded this policy should</p> <p>21 be amended?</p> <p>22 A. I think probably everybody that had</p> <p>23 been involved in the policy. Definitely, the</p> <p>24 sheriff. I remember, at the time, that we were</p> <p>25 approached by the current chief of police from</p>	<p style="text-align: right;">Page 45</p> <p>1 LISA CARWYLE</p> <p>2 the City of Oxford to make some changes. So</p> <p>3 one, that ours -- we implemented some items</p> <p>4 that the city had in theirs that I believe were</p> <p>5 needed. And a lot of that recommendation came</p> <p>6 from the chief of police for the city.</p> <p>7 Q. Who was the chief of police at the</p> <p>8 time?</p> <p>9 A. Joey East.</p> <p>10 Q. So the policy was amended in 2019</p> <p>11 because Joey East approached the County</p> <p>12 expressing security concerns about the county</p> <p>13 courthouse grounds?</p> <p>14 A. That was one of the reasons. It</p> <p>15 was also in response to the event in February</p> <p>16 of '19 where -- I was -- I did not attend the</p> <p>17 event, so I can't tell you for sure. But I</p> <p>18 know George Johnson had a permit. There was a</p> <p>19 threat, and I believe they came kind of, like,</p> <p>20 the opposition to his group. And there was a</p> <p>21 lot of concern with law enforcement --</p> <p>22 sheriff's department, City of Oxford police,</p> <p>23 federal agencies -- about keeping the square</p> <p>24 safe during that event.</p> <p>25 Q. And who's George Johnson?</p>

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1 LISA CARWYLE

2 A. He's the guy that filled out the

3 permit for the February '19 event.

4 Q. And what kind of event did he have?

5 What was his event?

6 A. He is pro-Confederate statue.

7 That's about all I know.

8 Q. Do you remember how many people

9 were at this event?

10 A. I do not know. I was not there.

11 Q. So you mentioned that Sheriff -- or

12 at the time, Chief of Police East had some

13 security concerns about the county courthouse

14 grounds. There was also some concerns after

15 Mr. Johnson's pro-Confederate event. Are there

16 any other reasons that the March 2019 policy

17 was enacted?

18 A. I don't remember any more reasons

19 right now.

20 Q. Why was the application period

21 extended from seven to 30 days?

22 A. To make sure that the law

23 enforcement community had enough time to

24 prepare for an event like that.

25 Q. Were there any other reasons?

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1 LISA CARWYLE

2 the same time. And he lets me know whether he

3 feels confident in being able to police it, if

4 needed.

5 Q. Did your process for granting or

6 denying permits change after this -- the March

7 2019 amendment?

8 A. Yes.

9 Q. How did it change?

10 A. I would send it to the sheriff to

11 make sure he had enough people available and

12 there were no conflicting events for the same

13 permit requested date.

14 Q. Were there any other changes to

15 your process?

16 A. No. I don't think so.

17 Q. Did the board get a role in the

18 permit process?

19 A. No.

20 Q. Did anyone besides the sheriff get

21 a role in the permit process?

22 A. No.

23 Q. For the March 2019 policy

24 amendment, were there concerns specifically

25 regarding the county courthouse grounds?

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1 LISA CARWYLE

2 A. I don't remember other reasons.

3 Q. Why was the security section

4 revised to include review by the sheriff?

5 A. To make sure he was aware of any

6 event that would be happening.

7 Q. Were there any other reasons that

8 review by the sheriff was --

9 A. I'm sorry. I didn't hear --

10 Q. -- put into the policy?

11 A. Say that again. I couldn't --

12 Q. Were there any other reasons that

13 review by the sheriff were -- put into the

14 policy?

15 A. The sheriff reviewing the policy --

16 I mean, the permits would be for security and

17 safety issues.

18 Q. So is it fair to say that now, in

19 the 2019 policy, the sheriff has an official

20 role in the permit process?

21 A. I'm the one that denies or

22 approves, but I do run it by him to make sure.

23 He is the one that checks to see if there are

24 other permits pulled, like, with the City, to

25 see if there's conflicting events going on at

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1 LISA CARWYLE

2 A. Yes.

3 Q. What were those concerns?

4 A. They're the same concerns I

5 mentioned before: Safety and security for the

6 people who attend the event, the public, who

7 was there for a different reason, and the

8 facilities themselves.

9 Q. And when you say for "the

10 facilities themselves," what do you mean?

11 A. I mean the historic courthouse

12 building, whether something -- you know, for

13 traffic, people who are driving around the

14 courthouse, to all the buildings on the square.

15 Q. Will you open the document that

16 begins with number 4?

17 MR. TOM: I'd like to

18 introduce this as Exhibit 3.

19 (Exhibit 3 was marked for

20 identification.)

21 BY MR. TOM:

22 Q. Do you recognize this document?

23 A. It's an email to Kevin Frye and

24 David O'Donnell.

25 Q. Now, in this email, you're talking

<p style="text-align: right;">Page 50</p> <p>1 LISA CARWYLE</p> <p>2 to the board of supervisors about the March</p> <p>3 2019 permit policy amendment, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And if you look on the first page</p> <p>6 of Exhibit 3, at the top of the email in the</p> <p>7 "to" section, it says, To: Kevin Frye;</p> <p>8 Supervisor.</p> <p>9 Who is "Supervisor"?</p> <p>10 A. That's the "supervisor" group of</p> <p>11 the five supervisors.</p> <p>12 Q. So on page 1 of Exhibit 3, you tell</p> <p>13 Kevin Frye that -- or what are you -- what are</p> <p>14 you telling Kevin Frye in this email on</p> <p>15 Tuesday, February 26th, 2019, at 10:23 a.m.?</p> <p>16 A. Well, it says: Yeah, your first</p> <p>17 three comments are on language that was already</p> <p>18 in the policy, and Maker's Market was allowed</p> <p>19 use before I ever came. So I kept letting them</p> <p>20 in, even though it did not comply with the</p> <p>21 language.</p> <p>22 Q. So the 2015 policy already</p> <p>23 prevented Maker's Market on county property,</p> <p>24 right?</p> <p>25 A. I believe it did, which there's</p>	<p style="text-align: right;">Page 51</p> <p>1 LISA CARWYLE</p> <p>2 probably a little wiggle room there. But it</p> <p>3 said for -- not to be used for profit-making --</p> <p>4 I don't have the language in front of me, but</p> <p>5 profit-making purposes.</p> <p>6 Q. So if we go back to Exhibit 1,</p> <p>7 which is the 2015 policy, provision 6 of</p> <p>8 Exhibit 1 says, The use of any county facility</p> <p>9 that falls under this policy by profit-making</p> <p>10 groups or for profit-making purposes is</p> <p>11 prohibited --</p> <p>12 A. Right.</p> <p>13 Q. -- is that right?</p> <p>14 A. That's what I was referring to.</p> <p>15 Uh-huh.</p> <p>16 Q. And would Maker's Market be</p> <p>17 prohibited under that language under the 2015</p> <p>18 policy?</p> <p>19 A. You know, they are kind of a</p> <p>20 starving artist group. It was a cultural-type</p> <p>21 event that had been going on. So I did not, at</p> <p>22 first, when I came on, see that -- I mean, it's</p> <p>23 not a commercial profit-making venture. So --</p> <p>24 but as we looked at revising the policy, I felt</p> <p>25 like we needed to be clear on where they -- a</p>
<p style="text-align: right;">Page 52</p> <p>1 LISA CARWYLE</p> <p>2 group like that would fall.</p> <p>3 Q. So did Maker's Market sell things?</p> <p>4 A. They did. It was, like, handmade,</p> <p>5 craft-type items, art.</p> <p>6 Q. So at Maker's Market, did people</p> <p>7 set up booths and sell art and other goods?</p> <p>8 A. They did.</p> <p>9 Q. And so were they selling those for</p> <p>10 profit?</p> <p>11 A. Yes. I would assume so, yes.</p> <p>12 Q. So explain to me how Maker's Market</p> <p>13 did not violate the 2015 policy.</p> <p>14 A. Well, like I said, I mean, that was</p> <p>15 a question that I had. I mean, they're not</p> <p>16 considered, really, what I consider a</p> <p>17 commercial profit group, but -- because they</p> <p>18 are part of the art community. But eventually</p> <p>19 decided, yes, they did violate the policy, and</p> <p>20 I told them they could no longer set up on the</p> <p>21 courthouse grounds.</p> <p>22 Q. So, eventually, you said they did</p> <p>23 violate the 2015 policy?</p> <p>24 MR. O'DONNELL: Object to</p> <p>25 form. You can answer.</p>	<p style="text-align: right;">Page 53</p> <p>1 LISA CARWYLE</p> <p>2 A. I'd have to look back exactly at</p> <p>3 what point. I mean, if it was -- I don't know</p> <p>4 if I told them that after the 2019 policy was</p> <p>5 adopted or -- I think it was all right within</p> <p>6 the same time frame.</p> <p>7 Q. So let's go back to Exhibit 3, in</p> <p>8 your email to Kevin Frye. Aren't you saying</p> <p>9 here that the Maker's Market did not comply</p> <p>10 with the language from the 2015 policy?</p> <p>11 A. Yes. I am saying that right there.</p> <p>12 But that was also a week before we adopted the</p> <p>13 new one is what I'm saying. As we were looking</p> <p>14 harder at the policy and what needed to be</p> <p>15 changed, I realized they didn't really fall</p> <p>16 within the current policy.</p> <p>17 Q. Was it in your discretion to make</p> <p>18 exceptions to the permit policy?</p> <p>19 A. Yes.</p> <p>20 Q. What criteria did you use to</p> <p>21 determine whether to make an exception or not?</p> <p>22 A. I don't remember ever really making</p> <p>23 exceptions. Later on, more recently, we did,</p> <p>24 obviously, on the timeline requirement. But --</p> <p>25 and on this, I mean, when I started in 2016,</p>

<p style="text-align: right;">Page 54</p> <p>1 LISA CARWYLE</p> <p>2 the Maker's Market had been setting up. So I</p> <p>3 really didn't even think that -- I didn't</p> <p>4 realize I was making an exception, I guess,</p> <p>5 when I continued to approve their permits,</p> <p>6 because they had been doing it for years before</p> <p>7 I came.</p> <p>8 Q. And when you were talking about the</p> <p>9 timeline requirement, what are you talking</p> <p>10 about?</p> <p>11 A. I'm talking about later in 2020,</p> <p>12 where I know there were times when the policy</p> <p>13 said you had to have 30 days, that we would</p> <p>14 allow people to do it in less than that.</p> <p>15 Q. And that was within your discretion</p> <p>16 whether to make an exception to the notice</p> <p>17 requirement?</p> <p>18 A. Yes. As long as Joey, the sheriff,</p> <p>19 was good with any security needs that he would</p> <p>20 have to get into place by that time.</p> <p>21 Q. So it was within your discretion,</p> <p>22 in consultation with the sheriff, whether to</p> <p>23 waive the notice requirement?</p> <p>24 A. Yes.</p> <p>25 Q. Was there anybody else involved in</p>	<p style="text-align: right;">Page 55</p> <p>1 LISA CARWYLE</p> <p>2 the decision of whether to waive the notice</p> <p>3 requirement?</p> <p>4 A. No.</p> <p>5 Q. Now, before the March 2019</p> <p>6 amendment, did you allow for -- any other</p> <p>7 for-profit groups to use county property?</p> <p>8 A. I don't believe so.</p> <p>9 Q. Before the March 2019 amendment,</p> <p>10 did you allow any other exceptions to the</p> <p>11 permit policy?</p> <p>12 A. I also don't believe so. I don't</p> <p>13 think so.</p> <p>14 Q. So will you open the document that</p> <p>15 begins with number 5, which I'd like to</p> <p>16 introduce as Exhibit 4?</p> <p>17 (Exhibit 4 was marked for</p> <p>18 identification.)</p> <p>19 A. Okay.</p> <p>20 Q. Do you recognize this document?</p> <p>21 A. I do.</p> <p>22 Q. What is it?</p> <p>23 A. An email exchange with</p> <p>24 Yoknapatawpha Arts Council.</p> <p>25 Q. Who is Yokna- -- who is that?</p>
<p style="text-align: right;">Page 56</p> <p>1 LISA CARWYLE</p> <p>2 A. It's -- well, I don't know how you</p> <p>3 describe them. Local, nonprofit, you know, to</p> <p>4 promote arts in the community. YAC is short.</p> <p>5 Y-A-C.</p> <p>6 Q. I'll call it YAC because I don't</p> <p>7 know if can pronounce --</p> <p>8 A. Yeah. That will be easier.</p> <p>9 Q. So in this email exchange, you say</p> <p>10 that the board is currently revising the</p> <p>11 facility use policy, and it may affect Maker's</p> <p>12 Market, correct?</p> <p>13 A. Right.</p> <p>14 Q. And what revisions were being</p> <p>15 considered that would affect Maker's Market?</p> <p>16 A. Well, I don't -- again, I don't</p> <p>17 guess the language regarding profit-making</p> <p>18 groups was not changed in the 2019 revision.</p> <p>19 But I was made more aware of it. And so I</p> <p>20 implemented it correctly, I would say, at that</p> <p>21 point.</p> <p>22 Q. So is it correct to say that even</p> <p>23 though the language between the March 2015 and</p> <p>24 2019 policy stayed the same with regards to</p> <p>25 for-profit activities, your process for</p>	<p style="text-align: right;">Page 57</p> <p>1 LISA CARWYLE</p> <p>2 applying that language changed?</p> <p>3 A. I guess so. I don't -- when you</p> <p>4 say "process for applying it," again, I think I</p> <p>5 was just made more aware of the language as we</p> <p>6 looked at the policy harder and made changes to</p> <p>7 it. It was kind of like, oh, we really</p> <p>8 should -- I really shouldn't allow the Maker's</p> <p>9 Market to be there, based on the policy. So</p> <p>10 then I told them they were not allowed to be</p> <p>11 there.</p> <p>12 Q. So you applied the 2019 -- you</p> <p>13 applied the same language in the 2015 and 2019</p> <p>14 policies differently, correct?</p> <p>15 A. For the Maker's Market, I did, yes.</p> <p>16 Q. Whose -- was that solely under your</p> <p>17 discretion to apply that language differently?</p> <p>18 A. Well, I did not mean to apply it</p> <p>19 differently, but, yes, it was solely under my</p> <p>20 discretion.</p> <p>21 Q. Will you open up number 6, please?</p> <p>22 MR. TOM: And we'll introduce</p> <p>23 this as Exhibit 5.</p> <p>24 (Exhibit 5 was marked for</p> <p>25 identification.)</p>

<p style="text-align: right;">Page 58</p> <p>1 LISA CARWYLE</p> <p>2 BY MR. TOM:</p> <p>3 Q. Do you recognize this document,</p> <p>4 Ms. Carwyle?</p> <p>5 A. Hang on a second. It's not coming</p> <p>6 up for some reason. Hang on.</p> <p>7 MR. TOM: While you take a --</p> <p>8 while you pull that up -- Greta,</p> <p>9 are you -- are you getting these</p> <p>10 exhibits for the record?</p> <p>11 COURT REPORTER: Yes, sir. I</p> <p>12 am.</p> <p>13 (Technical discussion.)</p> <p>14 MR. O'DONNELL: Josh, what is</p> <p>15 document number 6?</p> <p>16 MR. TOM: Number 6, which is</p> <p>17 Exhibit 5, it's an email from --</p> <p>18 from Ms. Carwyle about Bluff City</p> <p>19 Law. It begins with Bates 91.</p> <p>20 It's Bates 91 to 94.</p> <p>21 A. Hang on. I just -- I kind of -- I</p> <p>22 got out of it. I'm pulling the whole thing</p> <p>23 back up to see if it will help.</p> <p>24 I've got that in front of me. It's</p> <p>25 still kind of searching, but I've got 91, 92,</p>	<p style="text-align: right;">Page 59</p> <p>1 LISA CARWYLE</p> <p>2 93, 94.</p> <p>3 MR. TOM: Okay. Well, you</p> <p>4 know, for the record, Exhibit 5 is</p> <p>5 an email from Ms. Carwyle regarding</p> <p>6 Bluff City Law, Bates numbers 91 to</p> <p>7 94.</p> <p>8 MR. O'DONNELL: Okay.</p> <p>9 BY MR. TOM:</p> <p>10 Q. Now, so, Ms. Carwyle, do you</p> <p>11 recognize this document?</p> <p>12 A. I do.</p> <p>13 Q. And do you remember what Bluff City</p> <p>14 Law is?</p> <p>15 A. I do.</p> <p>16 Q. What is it?</p> <p>17 A. It was a pilot show put on by NBC.</p> <p>18 Q. Which courthouse did they want to</p> <p>19 use?</p> <p>20 A. The county courthouse.</p> <p>21 Q. So that's the courthouse in the</p> <p>22 square?</p> <p>23 A. Right.</p> <p>24 Q. Now, you sent this email on</p> <p>25 Bates 91 to Supervisor -- which is all of the</p>
<p style="text-align: right;">Page 60</p> <p>1 LISA CARWYLE</p> <p>2 supervisors -- David O'Donnell, and Baretta</p> <p>3 Mosley, right?</p> <p>4 A. Right.</p> <p>5 Q. Why did you send this email to all</p> <p>6 of them?</p> <p>7 A. Well, this was an unusual request.</p> <p>8 Baretta was the circuit clerk at the time and</p> <p>9 in -- in the county courthouse. That's where</p> <p>10 they do their operations. And so I sent it to</p> <p>11 all of them for it to be discussed.</p> <p>12 Q. This was outside of your normal</p> <p>13 process for granting permits?</p> <p>14 A. That's right.</p> <p>15 Q. And who -- so who would have a role</p> <p>16 in whether to grant or deny this permit?</p> <p>17 A. Well, I mean, again, it was a very</p> <p>18 unusual request. It was cause for the entire</p> <p>19 courthouse to be shut down as far as business</p> <p>20 going on or operations over a period of days.</p> <p>21 There was liability issues, so I had -- you</p> <p>22 know, definitely wanted to talk to David</p> <p>23 O'Donnell with that. It did -- this one did</p> <p>24 come before the board of supervisors to</p> <p>25 approve, because I considered this very</p>	<p style="text-align: right;">Page 61</p> <p>1 LISA CARWYLE</p> <p>2 extraordinary.</p> <p>3 Q. The board of supervisors voted on</p> <p>4 whether to grant this permit for Bluff City</p> <p>5 Law?</p> <p>6 A. I believe they did. I'd have to</p> <p>7 check the minutes. I'm not -- I feel like they</p> <p>8 did, but I didn't check that prior to this</p> <p>9 meeting. From my recollection, I believe it</p> <p>10 came before the board.</p> <p>11 Q. Was -- did Bluff City Law hold this</p> <p>12 event at the courthouse?</p> <p>13 A. They did.</p> <p>14 Q. And so it wasn't -- it wasn't your</p> <p>15 authority to approve this; it was the</p> <p>16 supervisors?</p> <p>17 A. I mean, I could have probably had</p> <p>18 the authority to approve it, but I didn't feel</p> <p>19 comfortable in approving something like that</p> <p>20 without the supervisors being aware of it.</p> <p>21 Because, like I said, this was a very</p> <p>22 extraordinary request.</p> <p>23 Q. Now, when the 2019 policy was in</p> <p>24 effect, were there any other times that you had</p> <p>25 to get the supervisors' sign-off to approve a</p>

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2 permit?

3 A. No.

4 Q. Was -- so when the 2019 policy was

5 in effect, was this the only time you got the

6 supervisors to sign off on a permit?

7 A. Yes.

8 Q. Will you go to the document marked

9 number 9?

10 MR. TOM: And I want to

11 introduce this as the next exhibit,

12 which I believe is Exhibit 6.

13 (Technical discussion.)

14 (Exhibit 6 was marked for

15 identification.)

16 BY MR. TOM:

17 Q. So do you recognize Exhibit 6,

18 Ms. Carwyle?

19 A. I do.

20 Q. What is it?

21 A. It's an email between myself and

22 Jenn Petermann.

23 Q. And Ms. Petermann wants to use --

24 or wants to hold a fund-raiser, photos with

25 Santa event, right?

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1 LISA CARWYLE

2 events, people had the immediate need, desire,

3 to protest, then we -- then I would allow that.

4 Q. Were there any other criteria that

5 you used when determining whether to waive the

6 notice requirement?

7 A. I think that was the only -- only

8 one, the only criteria.

9 Q. So you just mentioned George Floyd.

10 You know, after his death in the summer of

11 2020, there were marches and assemblies and

12 protests in Oxford, right?

13 A. Right.

14 Q. And these marches and assemblies

15 and protests were about Mr. Floyd's death and

16 about the Confederate monument in the square,

17 right?

18 A. Right.

19 Q. Do you know if these marches and

20 assemblies and protests were about anything

21 else?

22 A. I mean, there were some that

23 marched for the opposite, that were, you know,

24 pro-Confederate monument. So the other side.

25 Q. Were there any other reasons that

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1 LISA CARWYLE

2 A. Right.

3 Q. And why did you deny this permit?

4 A. Because she requested it, I

5 believe, what, three, four days in advance, and

6 we require 30-day notice.

7 Q. So was it under your discretion

8 whether to waive that 30-day notice

9 requirement?

10 A. Yes.

11 Q. So why did you not exercise that

12 discretion here?

13 A. Because I believe that's an event

14 that she could have prepared for and told us,

15 you know, ahead of time, you know. I try to --

16 I try to always, you know, adhere to the policy

17 requirements. And it's -- since it says 30

18 days, I would require them to be -- to have it

19 30 days prior.

20 Q. What criteria would you use when

21 determining whether to waive the 30-day

22 requirement?

23 A. If it was something related to, you

24 know, somebody's First Amendment right for free

25 speech regarding, like, with the George Floyd

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1 LISA CARWYLE

2 these marches and assemblies and protests

3 happened in the summer of 2020?

4 A. I mean, I'm not sure. I don't

5 always, you know, know what all the reasons

6 are, but that was the main reason that there

7 were protests, that I know of.

8 Q. And so some of these marches and

9 assemblies and protests were directed at the

10 Lafayette County Board of Supervisors, right?

11 A. Right.

12 Q. And these were directed at the

13 Lafayette County Board of Supervisors about the

14 Confederate statue in the square, right?

15 A. Right.

16 Q. How many marches, assemblies, or

17 protests were directed at the board of

18 supervisors over the Confederate monument in

19 the summer of 2020?

20 A. I don't have a number. There were

21 many that were done without a permit. You

22 know, if they -- if they continue moving and

23 aren't just standing and possibly blocking

24 traffic, they were not required to get a

25 permit.

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1 LISA CARWYLE

2 Q. How long did the marches,

3 assemblies, and protests persist in Oxford in

4 the summer of 2020?

5 A. I mean, months. I don't know

6 the -- I don't really feel like it has stopped.

7 Q. So you think that the marches,

8 assemblies, or protests are still occurring in

9 Oxford?

10 A. I don't know that I've seen any in

11 the last couple of weeks -- or maybe two weeks

12 to a month, but I'm not always outside where

13 they're occurring.

14 Q. So since the death of George Floyd

15 to the present, how many marches, assemblies,

16 or protests would you say there have been in

17 Oxford?

18 A. I do not know how many.

19 Q. Is it more than 20?

20 A. Well, I don't -- I'm not always

21 here to see them. You know, my office -- I

22 don't overlook that area. I don't spend my

23 time on the weekends on the square. But when I

24 have come through, most of the time, for

25 months, there would be somebody there marching,

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1 LISA CARWYLE

2 A. Right.

3 Q. And some of these marches,

4 assemblies, and protests took place on the

5 county courthouse grounds at night, right?

6 A. I think there were a few, yes.

7 Q. How many?

8 A. Are you asking how many were

9 permitted or how many occurred without a

10 permit?

11 Q. How many occurred with -- in total?

12 A. I do not know.

13 Q. How many occurred with a permit?

14 A. At night?

15 Q. Yes.

16 A. I don't know of any we gave at

17 night, except I know, in June, I think, there

18 was a vigil for Anthony Hervey, if you want to

19 say that's an assembly, you know, for him in

20 his -- in his memory.

21 Q. How many people were at that vigil?

22 A. I don't know.

23 Q. Did they apply for a permit?

24 A. They did.

25 Q. How many people did they put on the

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1 LISA CARWYLE

2 walking, with signs.

3 Q. Who would those signs say?

4 A. "Black Lives Matter."

5 Q. Anything else?

6 A. I don't know anything else.

7 Q. Some of the signs were in favor of

8 the Confederate monument?

9 A. At times. The majority of the ones

10 were against, but, at times, there were some

11 that were in favor, yes.

12 Q. Did you see any Confederate flags?

13 A. Maybe once or twice.

14 Q. And some of these marches,

15 assemblies, and protests since the death of

16 George Floyd took place in the square, right?

17 A. Right.

18 Q. And how many would you estimate

19 took place in the square?

20 A. Well, that's the same ones I was

21 just talking about. I would not be able to

22 estimate a number.

23 Q. Some of the marches, assemblies,

24 and protests took place on the county

25 courthouse grounds, right?

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1 LISA CARWYLE

2 permit?

3 A. I know -- I know it was less than

4 50, because they weren't required to get

5 liability. I'd have to look at the permit to

6 know what they put on there.

7 Q. And what was the feeling in

8 Lafayette County -- or strike that.

9 Did you discuss these marches,

10 assemblies, and protests with the Lafayette

11 County Board of Supervisors?

12 A. We would discuss it with the

13 sheriff in regards to maintaining a safe

14 environment and security issues and concerns

15 regarding the traffic pattern around the

16 courthouse and how dangerous that can be

17 under -- in those lines.

18 Q. What else did y'all discuss?

19 A. About the assemblies and -- you

20 need -- I don't understand your question.

21 Q. So -- well, let's back up.

22 When you said that you had

23 discussed the traffic patterns and, you know,

24 other things with the sheriff, who was present

25 at those discussions?

<p style="text-align: right;">Page 70</p> <p>1 LISA CARWYLE</p> <p>2 A. It would be discussed in executive</p> <p>3 session at board meetings, because it had to do</p> <p>4 with public safety. And so the board of</p> <p>5 supervisors would be here and the sheriff and</p> <p>6 myself.</p> <p>7 Q. And was there anybody else there?</p> <p>8 A. I mean, different meetings would be</p> <p>9 different ones. Usually, the county attorney</p> <p>10 would definitely be there; the chancery clerk,</p> <p>11 who takes the minutes.</p> <p>12 Q. And so at these, you know,</p> <p>13 executive sessions, how many times -- or</p> <p>14 scratch that.</p> <p>15 How many times did the board</p> <p>16 discuss the marches, assemblies, and protests</p> <p>17 after the death of George Floyd?</p> <p>18 A. I don't know. I would guess -- I</p> <p>19 mean, I don't -- I don't really know. I mean,</p> <p>20 probably at least five or six.</p> <p>21 Q. And how often does the board meet?</p> <p>22 A. They meet twice a month.</p> <p>23 Q. What was the feeling, you know, at</p> <p>24 these meetings about the marches, assemblies,</p> <p>25 and protests?</p>	<p style="text-align: right;">Page 71</p> <p>1 LISA CARWYLE</p> <p>2 A. The feeling was there was concern</p> <p>3 for safety for the people that attend, for</p> <p>4 possible -- the other side showing up and there</p> <p>5 being conflict. There was concern about safety</p> <p>6 for the general public who was on the square</p> <p>7 for other reasons, who was maybe driving around</p> <p>8 the square, for the traffic issues that could</p> <p>9 be involved around -- with a large assembly</p> <p>10 around the courthouse grounds.</p> <p>11 Q. Were all of these marches and</p> <p>12 assemblies and protests taxing on the board?</p> <p>13 MR. O'DONNELL: Object to</p> <p>14 form.</p> <p>15 A. I mean, they were concerned</p> <p>16 about -- of course, it was taxing. You always</p> <p>17 want to keep your citizens safe. So it was</p> <p>18 concerning, because they wanted to make sure</p> <p>19 they were able -- that the sheriff's department</p> <p>20 was able to keep them safe. Nobody wants some</p> <p>21 type of -- you know, a what-if situation if</p> <p>22 things got out of control.</p> <p>23 Q. Sure. Do you think the board felt</p> <p>24 under siege from the public with all of these</p> <p>25 protests, assemblies, and protests after George</p>
<p style="text-align: right;">Page 72</p> <p>1 LISA CARWYLE</p> <p>2 Floyd's death?</p> <p>3 MR. O'DONNELL: Object to</p> <p>4 form.</p> <p>5 A. I don't know what they thought</p> <p>6 about that.</p> <p>7 Q. How did you feel?</p> <p>8 A. I felt like there was conflict in</p> <p>9 the public, because you had, you know, people</p> <p>10 on both sides of, like, the Confederate statue</p> <p>11 issue. And I don't like conflict, so it was,</p> <p>12 you know -- I don't know how I felt, just --</p> <p>13 except there was a lot of conflict going on.</p> <p>14 Q. Now, did you want these -- you</p> <p>15 know, all of these marches and assemblies and</p> <p>16 protests to end?</p> <p>17 A. I mean, obviously, that would make</p> <p>18 my job easier, for them to end, but that was</p> <p>19 not for me to decide. Everybody has a right to</p> <p>20 protest and assembly -- and assemble.</p> <p>21 Q. But your own feeling, did you want</p> <p>22 them to end?</p> <p>23 MR. O'DONNELL: I didn't -- I</p> <p>24 didn't catch that, Josh. What did</p> <p>25 you say?</p>	<p style="text-align: right;">Page 73</p> <p>1 LISA CARWYLE</p> <p>2 BY MR. TOM:</p> <p>3 Q. I said, For your own feeling, did</p> <p>4 you want the marches and assemblies and</p> <p>5 protests to end?</p> <p>6 A. Yes. I wanted them to end for the</p> <p>7 safety of everybody.</p> <p>8 Q. Did the board want the marches and</p> <p>9 assemblies and protests to end?</p> <p>10 A. I couldn't answer what they wanted.</p> <p>11 Q. Did you talk to anyone on the board</p> <p>12 about whether they wanted the marches and</p> <p>13 assemblies and protests to end?</p> <p>14 A. No.</p> <p>15 Q. Did you ever talk to Sheriff East</p> <p>16 about him wanting the protests and marches and</p> <p>17 assemblies to end?</p> <p>18 A. No.</p> <p>19 Q. Were there any discussions at</p> <p>20 county board meetings or otherwise -- or</p> <p>21 scratch that.</p> <p>22 Were there any discussions with the</p> <p>23 board of supervisors or the sheriff about how</p> <p>24 to end the marches and protests?</p> <p>25 A. I don't remem- -- remember any</p>

<p style="text-align: right;">Page 74</p> <p>1 LISA CARWYLE</p> <p>2 discussion about how to end it. It was, you</p> <p>3 know, how to work with the groups that were</p> <p>4 coming, how to keep everybody safe.</p> <p>5 Q. So tell me -- and all of these were</p> <p>6 discussions at board meetings?</p> <p>7 A. Yes.</p> <p>8 Q. Did you have any discussions about</p> <p>9 how to keep everyone safe outside of board</p> <p>10 meetings?</p> <p>11 A. I probably did with the sheriff.</p> <p>12 Q. When were those discussions?</p> <p>13 A. I couldn't tell you a date and</p> <p>14 time.</p> <p>15 Q. Were those discussions in relation</p> <p>16 to granting permits?</p> <p>17 A. Yes.</p> <p>18 Q. Were those discussions -- did you</p> <p>19 have those discussions with the sheriff outside</p> <p>20 of the permit policy?</p> <p>21 A. Like, without -- I mean, it was</p> <p>22 always in reference to permits. I guess I</p> <p>23 don't understand what you mean, "outside of the</p> <p>24 permit policy."</p> <p>25 Q. The only times you talked to the</p>	<p style="text-align: right;">Page 75</p> <p>1 LISA CARWYLE</p> <p>2 sheriff about safety during -- you know, after</p> <p>3 the death of George Floyd, was when you were</p> <p>4 talking to him about a permit; is that right?</p> <p>5 A. It was always in relation to a</p> <p>6 permit, yes. I mean, the permits were the</p> <p>7 reasons we were concerned about safety, you</p> <p>8 know.</p> <p>9 Q. Did you receive any complaints from</p> <p>10 business owners about the marches, assemblies,</p> <p>11 and protests?</p> <p>12 A. I don't -- I don't think I received</p> <p>13 complaints from business owners. I don't think</p> <p>14 so.</p> <p>15 Q. Do you know if the board received</p> <p>16 any complaints from business owners?</p> <p>17 A. I don't know.</p> <p>18 Q. Did you receive any complaints from</p> <p>19 individuals about the marches and assemblies</p> <p>20 and protests after George Floyd's death?</p> <p>21 A. Yes. I know our office -- I did</p> <p>22 not personally always take the call, but I know</p> <p>23 they were just general public -- again, from</p> <p>24 both sides -- that didn't want the ones that</p> <p>25 were up there for the statue or the ones that</p>
<p style="text-align: right;">Page 76</p> <p>1 LISA CARWYLE</p> <p>2 were against; they would call and complain.</p> <p>3 Q. How many such calls do you estimate</p> <p>4 there were?</p> <p>5 A. I mean, I would guess less than 20.</p> <p>6 Q. So will you go to document -- I</p> <p>7 guess it's number 10, which I'll introduce as</p> <p>8 Exhibit 7.</p> <p>9 (Exhibit 7 was marked for</p> <p>10 identification.)</p> <p>11 A. Okay.</p> <p>12 Q. Do you recognize this document?</p> <p>13 A. Yes.</p> <p>14 Q. What is it?</p> <p>15 A. It's an order from the board</p> <p>16 minutes for June 15th of 2020.</p> <p>17 Q. And this June 15th, 2020, order</p> <p>18 amends the facility use policy as it applies</p> <p>19 only to the county courthouse grounds, right?</p> <p>20 A. Yes.</p> <p>21 Q. It requires a permit for any group</p> <p>22 of five or more people, right?</p> <p>23 A. Right.</p> <p>24 Q. Why was that amendment made?</p> <p>25 A. Why was that? What did you --</p>	<p style="text-align: right;">Page 77</p> <p>1 LISA CARWYLE</p> <p>2 Q. Why was this five-person amendment</p> <p>3 made?</p> <p>4 A. If you have more than four people</p> <p>5 around the statue, you -- you have to be in the</p> <p>6 street, in a crosswalk, which is not a safe</p> <p>7 environment. So this was to clarify to people</p> <p>8 and make them understand that if you had five</p> <p>9 or more, you needed to get a permit. If you</p> <p>10 have less, you could also get a permit and have</p> <p>11 exclusive rights to that area for that</p> <p>12 permitted time.</p> <p>13 Q. So -- but the -- this policy</p> <p>14 applies to the entire courthouse grounds,</p> <p>15 right, and only part of that is where the</p> <p>16 statue is?</p> <p>17 A. Right.</p> <p>18 Q. So what if someone wanted to hold</p> <p>19 an event in another section of the courthouse</p> <p>20 grounds? Would that same size limit concern</p> <p>21 exist?</p> <p>22 A. The policy -- the order was to --</p> <p>23 whether it was the grounds or the statue, if</p> <p>24 you had five or more, you needed a permit.</p> <p>25 Q. Why was five people selected as the</p>

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2 limit?

3 A. I think I just answered that, but I

4 can answer it again, if you'd like.

5 Q. So it was exclusively -- you chose

6 five people -- or the County selected five

7 people as the limit exclusively because of

8 concerns of people around the Confederate

9 monument; is that right?

10 A. For the safety of the people who

11 would be there that get the permit, for the

12 safety of pedestrians who are crossing all

13 around those crosswalks, and the traffic

14 pattern there, yes. It's a very dangerous

15 traffic pattern. You've got vehicles coming at

16 three different directions who often don't know

17 how to drive around the square and yield

18 correctly.

19 Q. So the -- the county courthouse

20 grounds has four -- at least four areas where

21 people can congregate, right? Because there's

22 four sides of the courthouse; isn't that right?

23 A. There are four sides; that's right.

24 Q. And people can congregate on any

25 one of those sides, right?

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2 Q. So if five people were on the

3 county courthouse grounds, is your testimony

4 that that creates concerns for traffic safety?

5 A. It could.

6 Q. And how is that?

7 A. Well, depending on what they are

8 doing there, how many more than five, it could

9 be a distraction for traffic.

10 Q. But this -- this policy applies for

11 five or more people. So if a group only has

12 five people, they have to get a permit under

13 this policy, right?

14 A. That's right.

15 Q. And so a group of five people, what

16 a kind of traffic concerns do they pose if

17 they're using the county courthouse grounds?

18 A. It could -- whatever they are doing

19 there could be distracting to the people

20 driving the vehicles. The safety concern could

21 also be for themselves, based on if -- that's

22 why we need to know they are coming. That's

23 the reason for the permit, so we can be

24 prepared -- prepared to protect them, if

25 needed.

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2 A. They could. We only issue one

3 permit for the grounds.

4 Q. But if you issued a permit, they

5 could decide to be on any side, right?

6 A. Right.

7 Q. And when you said that five people

8 would create these safety concerns around the

9 Confederate monument, would five people create

10 safety concerns on the other side of the county

11 courthouse -- other sides?

12 A. Possibly.

13 Q. Is that why the five people were

14 chosen, because on any side, there were the

15 same concerns?

16 A. When you get the permit, you're --

17 you're getting it for all the area, including

18 the statue. So you don't get the permit and

19 are told, You've got to stay on the north side.

20 So the concern is, the more people you get

21 around that statue, it's dangerous to them;

22 it's dangerous to pedestrians; it's dangerous

23 to the traffic going around the square. So

24 that's why it was decided to do five or more

25 needed to have a permit.

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2 Q. Now, was this June 15th, 2020,

3 amendment made in response to the protests

4 happening that summer?

5 A. Yes. I believe so.

6 Q. Were there any other reasons that

7 this amendment was made?

8 A. Just to make it clear so people

9 understood when they needed to have a permit

10 and when they did not, because we were

11 getting -- more people were showing up to

12 protest, to use that area, and we wanted to

13 make it clear what was needed from them, what

14 was required at what point.

15 Q. So the June 2020 amendment says

16 that 30 days' notice is required to get a

17 permit, except in, quote, unusual

18 circumstances. And the board of supervisors

19 and/or sheriff shall determine whether to waive

20 the 30-day period.

21 Is that right?

22 A. That's what the order says, yes.

23 Q. What are "unusual circumstances"?

24 A. It's like what I mentioned before,

25 you know, people had the right, that if they

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2 had strong feelings about the George Floyd
3 incident, to come and protest. We felt like we
4 needed to waive the 30-day period in those
5 circumstances.

6 Q. What criteria are used to determine
7 unusual circumstances?

8 A. Pretty much what was happening in
9 the country and the nation, in our city, and
10 people's need -- they felt the need to protest.

11 Q. But for purposes of determining
12 whether to waive the 30-day period, what
13 criteria were used?

14 A. I believe that was the only --
15 those type incidences were the only time it was
16 waived. So that was the criteria I was using.

17 Q. And whose decision was it whether
18 to waive the 30-day period or not?

19 A. It was my decision, and I would
20 consult with the sheriff to make sure that he
21 could have the manpower he needed available
22 during that time, you know. So if they asked
23 three days ahead of time, is that enough time
24 for you to get who you need here? And so under
25 his consultation, then I would waive it or not.

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2 Q. Now, when this June 2020 policy was
3 in effect, did the board ever get involved in
4 whether to waive the notice requirement?

5 A. No.

6 Q. So after this June 2020 policy
7 amendment was made, did the process for
8 administering permits change at all?

9 A. Not really. I don't know that
10 they -- the process changed. I mean, I was --
11 obviously, we were getting more of them. I
12 was, you know, more aware of the timeliness of
13 it, you know, to get with the sheriff. And
14 people were bringing permits and requesting to
15 be approved within three days. So I -- I spent
16 more of my time with them, probably, than I did
17 in the past.

18 Q. But the process stayed the same?

19 A. I can't think of a -- of a change
20 right now, no.

21 Q. Did any of the decision makers
22 change?

23 A. No.

24 Q. Did the sheriff's role change?

25 A. No. I mean, again, back starting

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2 Q. Who has the final say about whether
3 to waive the notice requirement?

4 A. I have the final say. If anybody
5 did not like my decision, they could always
6 appeal it to the board of supervisors for --
7 during one of their board meetings.

8 Q. So the June 2020 order says that
9 the board of supervisors and/or the sheriff
10 shall determine whether to waive the 30-day
11 period. But you're saying that you have the
12 authority whether to waive it. How do you
13 explain that difference?

14 A. Well, I work under the board of
15 supervisors. They set policy, and I'm here to
16 do the day-to-day operations, carry through on
17 those policymaking decisions. So based on
18 that, then I'm the one that can determine to
19 waive or not waive the 30-day.

20 Q. Did the board delegate to you their
21 authority to waive this notice requirement?

22 A. By Mississippi law, they do, yes.
23 I mean, they're not here on a day-to-day basis
24 to carry through with any kind of act like
25 that.

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2 more in March of '19 is when the sheriff more
3 routinely was brought in to be aware of what
4 permits were coming up.

5 Q. So when you were implementing the
6 June 2020 version of the policy, is it fair to
7 say that you ran the permit process in
8 consultation with the sheriff, who would opine
9 on security and public-safety issues?

10 A. Right. And if there was any other
11 conflicting -- if the City had any conflicting
12 permits at the same time, which goes hand in
13 hand with the safety and security issues.

14 Q. Were -- were there any other parts
15 of the process besides that?

16 A. No.

17 Q. So even though the June 2020
18 amendment explicitly gives the board of
19 supervisors a role in determining whether to
20 waive the 30-day notice period, you're saying
21 that, in practice, they didn't actually do
22 anything with the permit process after --

23 A. No. That was -- that was for me to
24 do.

25 Q. Why was this language giving the

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2 board of supervisors and/or the sheriff the

3 authority to waive the 30-day period put into

4 this order?

5 A. I don't know.

6 Q. Was it at the -- did one of the

7 supervisors suggest it, or did the sheriff

8 suggest it?

9 A. I don't remember. I don't remember

10 if it was just that they knew that that

11 really -- that meant that I would, you know, be

12 implementing the policy for them. I'm not

13 sure.

14 Q. So after this -- this June '20

15 amendment was made, did you discuss with the

16 board how the permitting policy would change?

17 I mean, strike that.

18 After the June 2020 order was

19 implemented, did you discuss with the board how

20 the permitting process would change?

21 A. Well, I don't think so, because I

22 don't really think we changed anything in the

23 process. I still checked with the sheriff,

24 like I had been before.

25 Q. So was it -- was it your discretion

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2 Q. Did you see this projection?

3 A. No.

4 Q. What were your thoughts about this

5 projection?

6 A. I really didn't have any.

7 Q. Did you hear any criticism about

8 this?

9 A. I don't -- I might have -- I'm

10 trying to remember if I saw it, like, on

11 Facebook somewhere or people talking about it

12 or -- I don't really remember where I heard

13 about it, but I knew it occurred at one time.

14 Q. Did you hear any criticism about

15 the projection?

16 A. I'm sure there was probably some

17 critical comments and then some in favor also.

18 Q. Did you speak with the board of

19 supervisors about this projection?

20 A. Did I speak with the board of

21 supervisors? No.

22 Q. Did you speak with the sheriff or

23 anyone in the sheriff's department about this

24 projection?

25 A. I don't remember talking to any of

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2 after the June 2020 order was implemented in

3 how to process permits under the new policy?

4 A. Yes.

5 Q. Would you go to the document that

6 begins with number 11?

7 MR. TOM: And we'll introduce

8 this as the next exhibit.

9 (Exhibit 8 was marked for

10 identification.)

11 BY MR. TOM:

12 Q. Do you recognize what this document

13 is?

14 A. I do.

15 Q. What is it?

16 A. It's a picture of the Confederate

17 statue in front of the courthouse.

18 Q. And it has the -- are these -- are

19 these words "Take It Down," are they normally

20 on the statue?

21 A. No.

22 Q. So it looks like -- did you -- did

23 you hear about these words being projected onto

24 the Confederate statue in the summer of 2020?

25 A. I did hear about it.

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2 them about it.

3 Q. Would you open up document

4 number 12, which will be our next exhibit?

5 (Exhibit 9 was marked for

6 identification.)

7 BY MR. TOM:

8 Q. Do you recognize these documents?

9 A. I do.

10 Q. What are they?

11 A. It's an email exchange between

12 myself and David O'Donnell and Joey East about

13 George Johnson's permit request.

14 Q. And this exhibit has Bates number

15 range 274 to 281. So on Bates number 274, you

16 say, I'll send to supervisors with that

17 recommendation and let George know.

18 Do you see that?

19 A. Right.

20 Q. Why did you send a recommendation

21 to the supervisors?

22 A. Well, usual -- sometimes,

23 especially during this heated time of the

24 summer, I would let them know of a permit that

25 I was denying or granting so they would be

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2 aware of it, because somebody might call them

3 complaining or -- or they might hear about

4 people being on the -- on the courthouse lawn.

5 So I would let them know that it was happening

6 or not happening.

7 Q. And what was their role after you

8 let them know about the permit?

9 A. They didn't have a role. They

10 just -- I wanted to make sure they were aware.

11 You know, supervisors don't like hearing about

12 stuff from the public, upset. They'd rather

13 know ahead of time, so. . .

14 Q. Why do you use the word

15 "recommendation"?

16 A. That was just the term I used, but

17 it wasn't for their approval. It was so they

18 were aware, because if George or any people in

19 his group were upset they were denied, I wanted

20 them to know before they got phone calls about

21 it.

22 Q. I see. So the supervisors still

23 had no role in the permit process; is that

24 right?

25 A. Right. They didn't have a role in

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2 BY MR. TOM:

3 Q. And this document has Bates range

4 249 to 270.

5 A. Right.

6 Q. Do you recognize this document?

7 A. I do.

8 Q. What is it?

9 A. It's a permit application for --

10 well, hang on -- an email back and forth, I

11 guess, with Joey and I for a Tim Warren to have

12 a permit.

13 Q. Who's Tim Warren?

14 A. A Lafayette County citizen.

15 Q. And so look at -- compare these

16 three pages. It's Bates numbers 250, 253, and

17 264, which are the actual permit application.

18 A. Okay.

19 Q. Let's look at -- let's look at

20 Bates 250.

21 A. Uh-huh.

22 Q. So you see at the top, where it

23 says date, just above Timmy Warren?

24 A. Uh-huh.

25 Q. This is blank, right? Is that

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2 approving or denying. They might be aware that

3 there was a permit after the fact, but. . .

4 Q. Now, go to -- let's see -- the last

5 page of this exhibit, and that has Bates

6 number 281.

7 A. Okay.

8 Q. So Brent Larson says -- Brent

9 Larson is a supervisor, right?

10 A. Right.

11 Q. And he says, Excellent job to all.

12 Thanks for the information. Brent.

13 Do you have any idea why he said

14 that?

15 A. Do I have any idea why he said

16 that? He was thanking us for the information,

17 and he said, "excellent job," thanking us for

18 our work.

19 Q. Will you go to the document that

20 begins with number 13?

21 MR. TOM: I'll introduce this

22 as the next exhibit.

23 (Exhibit 10 was marked for

24 identification.)

25 ///

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2 right?

3 A. Yes.

4 Q. And underneath the bottom line

5 under permit, where it says granted, denied,

6 and county administrator, that's all blank,

7 right?

8 A. Right.

9 Q. And so whose handwriting is this in

10 the rest of the document?

11 A. I'm sorry. We're on 250?

12 Q. Yes.

13 A. I guess it's whoever filled out the

14 permit.

15 Q. So this is not your handwriting?

16 A. No.

17 Q. Okay. So let's go to Exhibit Two-

18 fifty- -- Bates number 253. This is also the

19 same permit from Timmy Warren. But now, if you

20 look at the bottom, it says, Permit has been

21 granted; there's someone's signature, and then

22 it says, 6/17/20, per Sheriff East.

23 Do you see that?

24 A. Right.

25 Q. Whose signature is this?

<p style="text-align: right;">Page 94</p> <p>1 LISA CARWYLE</p> <p>2 A. That's my signature.</p> <p>3 Q. And who wrote the date and "per</p> <p>4 Sheriff East"?</p> <p>5 A. I did.</p> <p>6 Q. What does that -- what does this</p> <p>7 mean, "per Sheriff East"?</p> <p>8 A. It means I had checked with him to</p> <p>9 make sure that he could handle -- he thought he</p> <p>10 could handle, for safety and security purposes,</p> <p>11 this group coming on the 19th.</p> <p>12 Q. And what does the date, 6/17/20,</p> <p>13 signify?</p> <p>14 A. I think that was the day I wrote</p> <p>15 it, I assume.</p> <p>16 Q. Go to the page that's Bates number</p> <p>17 264. So now look at the top of this one. It</p> <p>18 says, Date, 6/17/20.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And then at the bottom, it also</p> <p>22 says 6/17/20, but there's no "per</p> <p>23 Sheriff East."</p> <p>24 Do you see that?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 95</p> <p>1 LISA CARWYLE</p> <p>2 Q. So why is this -- why are all of</p> <p>3 these three documents different?</p> <p>4 A. I do not know.</p> <p>5 Q. Who -- who filled in 6/17/20 at the</p> <p>6 top?</p> <p>7 A. I don't -- I don't know. I don't</p> <p>8 remember it being different, so I couldn't tell</p> <p>9 you.</p> <p>10 Q. Go back to Bates 253. Bates 253</p> <p>11 has already been approved by you, granted, your</p> <p>12 signature, per Sheriff East, 6/17/20 at the</p> <p>13 bottom. But at the top, there's no date.</p> <p>14 A. Okay.</p> <p>15 Q. If you go to 264, it's also been</p> <p>16 approved, but there is a date --</p> <p>17 A. Okay.</p> <p>18 Q. -- at the top.</p> <p>19 Who wrote the date?</p> <p>20 A. I do not know.</p> <p>21 Q. What does this date signify at the</p> <p>22 top --</p> <p>23 A. It's --</p> <p>24 Q. -- 6/17/20?</p> <p>25 A. It's usually when the person came</p>
<p style="text-align: right;">Page 96</p> <p>1 LISA CARWYLE</p> <p>2 in and filled it out. I might have put it</p> <p>3 there because they brought it that day, but</p> <p>4 I -- I don't remember.</p> <p>5 Q. So this person applied for a permit</p> <p>6 on 6/17/20, and the event to be held was on</p> <p>7 6/19/20, right?</p> <p>8 A. I believe so.</p> <p>9 Q. So whose decision was it to waive</p> <p>10 the 30-day notice requirement here?</p> <p>11 A. That would be my decision, based on</p> <p>12 consulting with Sheriff East, like I said</p> <p>13 before, that he could handle the event for</p> <p>14 safety and security issues.</p> <p>15 Q. Why did you waive the 30-day notice</p> <p>16 requirement here?</p> <p>17 A. Because the same reason I waived</p> <p>18 them for any other permitted -- during that</p> <p>19 time, was because of the George Floyd issue.</p> <p>20 There was a lot of public outcry, need to</p> <p>21 protest and assemble. And so we allowed it.</p> <p>22 Q. So is it -- is it -- just to</p> <p>23 clarify, if the permit was for a protest about</p> <p>24 George Floyd, you would waive the notice</p> <p>25 requirement?</p>	<p style="text-align: right;">Page 97</p> <p>1 LISA CARWYLE</p> <p>2 A. No.</p> <p>3 Q. So tell me -- tell me exactly why</p> <p>4 you would --</p> <p>5 (Simultaneous speakers.)</p> <p>6 A. In reaction to George -- the George</p> <p>7 Floyd issue, we had a lot of people coming out,</p> <p>8 you know, that spilled over into "take the</p> <p>9 statue down," and we did not feel like it was</p> <p>10 good practice to deny them that; that that</p> <p>11 sometimes maybe would cause more issues to be</p> <p>12 told you could not. So we waived the 30 -- I</p> <p>13 waived the 30-day notice so they could.</p> <p>14 But in response to that, when</p> <p>15 you've got people who are protesting for it to</p> <p>16 be taken down, that, then, ensues the other</p> <p>17 side to feel like they have the First Amendment</p> <p>18 right to come and protest to leave it. So this</p> <p>19 was not -- I mean, he did -- the way I</p> <p>20 understood it, he was not here in support of</p> <p>21 the statue being taken down. He was organizing</p> <p>22 in support of it staying.</p> <p>23 Q. So what criteria were you using to</p> <p>24 determine whether to waive the notice</p> <p>25 requirement?</p>

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1 LISA CARWYLE

2 A. I think I just answered that.

3 Q. So if it -- if it had to do with a

4 protest, whether for or against the statue, or

5 a protest about George Floyd, you would waive

6 it, but, otherwise, you would not. Is that

7 what you're saying?

8 MR. O'DONNELL: Object to

9 form.

10 A. I believe all of them that -- yes,

11 that were waived during that time had to do

12 with one or the other.

13 Q. One or the other what?

14 A. For or against the statue or George

15 Floyd.

16 Q. Were there any other events that

17 you waived the notice requirement that were not

18 about the statue or about George Floyd?

19 A. I do not believe so.

20 Q. So all of the permits that you

21 waived were for events that had to do with the

22 statue or George Floyd?

23 A. From my recollection, yes; that is

24 right.

25 Q. But that was solely under your

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1 LISA CARWYLE

2 whether -- I don't know, other than that. I

3 mean, I know it was all about safety and

4 security. Joey was very concerned about

5 opposing groups trying to show up at the same

6 time and there being conflict.

7 Q. What decisions were made regarding

8 those issues?

9 A. Well, eventually, it -- the

10 decision was made to, A, put a curfew on the

11 use of the grounds, because it was harder --

12 much harder for them to police that and

13 guarantee a secure environment when it's dark

14 outside. That's the main thing I remember.

15 Q. Were there other things?

16 A. I can't think of any right now.

17 Q. And so when you say that you should

18 revisit a couple of issues at the -- a couple

19 of issues tomorrow, did you discuss, on that

20 date, the curfew?

21 A. I can't tell you for sure that we

22 did, but I know it was discussed a number of

23 times before they voted in July. So probably.

24 THE VIDEOGRAPHER: So,

25 Mr. Tom, excuse me. Within the

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1 LISA CARWYLE

2 discretion to do that in consultation with

3 Sheriff East?

4 A. Yes.

5 Q. So go to, in this same exhibit,

6 Bates number 265. And this is an email from

7 you to supervisors -- or it just says

8 Supervisor, Joey East, and David O'Donnell,

9 dated June 18, 2020, at 3:31 p.m.

10 So in the second paragraph, you

11 say, Joey and I think we should probably --

12 scratch that.

13 Joey and I think we probably should

14 revisit a couple of issues about the policy

15 tomorrow after -- at the end of our budget

16 sessions.

17 Right?

18 A. Right.

19 Q. What issues were those?

20 A. The issues that I think I talked

21 about above as far as that -- well, hang on.

22 Let me read them.

23 Oh. I think just the concern of

24 the safety issues, the security issues,

25 surrounding this number of people coming and

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1 LISA CARWYLE

2 next 10 minutes, I'll need to

3 change media.

4 MR. TOM: Okay. We can go

5 ahead and do that now.

6 And, Greta, can you remind me

7 what exhibit we're on?

8 MR. O'DONNELL: Me too. I'm

9 keeping track of that.

10 THE VIDEOGRAPHER: So we'll

11 go off record first. We're going

12 off the record. The time is 11:34.

13 (Recess from 11:34 a.m. to

14 11:43 a.m.)

15 THE VIDEOGRAPHER: We're back

16 on record. The time is 11:43.

17 BY MR. TOM:

18 Q. So, Ms. Carwyle, let's go back to

19 Exhibit 10 and look at the page that has Bates

20 number 269 on it. Do you see that?

21 A. Well, is that the order to amend

22 the facility use on June 15th?

23 Q. No. It's -- should be an email

24 from you to Jack Williams.

25 A. I'm sorry. You said Exhibit 10,

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1 LISA CARWYLE

2 but I'm looking at document numbers. So is it

3 document number 12?

4 MR. O'DONNELL: 13.

5 BY MR. TOM:

6 Q. It's -- it's the -- it's the

7 document that begins with 13.

8 A. Okay. Sorry.

9 Q. Yeah. It's confusing. So 13 is

10 Exhibit 10, and then on that document, we want

11 to look at the page that says 269. And this is

12 an email from you to Jack Williams, right?

13 A. Yes.

14 Q. And so at the top here, you say,

15 FYI, this permit has been canceled.

16 What does that -- what did you mean

17 there?

18 A. That Tim Warren that had requested

19 the permit canceled the event.

20 Q. I see. Do you have any idea why?

21 A. Hearsay is that he was kind of

22 being threatened, and -- and it just -- I guess

23 he was kind of worried about it being a

24 conflict, and so he -- he said he wasn't going

25 to do it.

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1 LISA CARWYLE

2 all was on my mind at the time, but, again, the

3 revisions that eventually came, we were

4 concerned about the security, the safety of the

5 people who were requesting the use. And so

6 I -- again, that's what ultimately became -- we

7 changed the policy in July, I think, 21st or

8 20th, to implement the "no use after dark" and

9 the "14-day" change.

10 Q. Who suggested making those

11 revisions?

12 A. Joey definitely suggested making

13 the revisions for safety and security concerns

14 he had for people having permits at night.

15 Q. Were there any revisions that y'all

16 discussed at this meeting that were not

17 adopted?

18 A. I don't remember.

19 Q. So will you go to the document that

20 begins with 15, which will be Exhibit 12?

21 (Exhibit 12 was marked for

22 identification.)

23 A. Okay.

24 Q. So do you recognize this document?

25 A. I do.

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1 LISA CARWYLE

2 Q. And who told you that?

3 A. I believe Joey East told me that.

4 Q. So will you go to document that

5 begins with number 14, which we'll introduce as

6 Exhibit 11?

7 (Exhibit 11 was marked for

8 identification.)

9 BY MR. TOM:

10 Q. Do you recognize this document?

11 A. Yes.

12 Q. What is it?

13 A. An email to David O'Donnell and

14 Joey East -- well, or from David; the last one

15 is -- about us meeting.

16 Q. Okay. And so go to the second page

17 of this document, which has Bates number 292 at

18 the bottom.

19 A. Uh-huh.

20 Q. And you say to David O'Donnell and

21 Joey East, Can we meet next week to work on

22 some revisions to the facility use policy for

23 the July 6th board meeting?

24 What revisions?

25 A. I don't remember specifically what

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1 LISA CARWYLE

2 Q. What -- what is it?

3 A. It's an email from Joey East about

4 the permit application policy.

5 Q. Now let's go to page 3 of this

6 exhibit, with the Bates number 298.

7 A. Okay.

8 Q. So you see these little comment

9 bubbles?

10 A. I do.

11 Q. And they -- they -- the first one

12 says JE1 and the second one says JE2. Does

13 that indicate that these are Joey East's

14 comments?

15 A. Yes.

16 Q. So if you look at the comment JE2,

17 Mr. Joey East comments on the word "limited" in

18 the policy. And he says -- or let's go back.

19 So the policy says, Use on weekends

20 or after 10:00 p.m. is limited and must be

21 primarily events coordinated and staffed by

22 county employees and/or officials.

23 So Joey East comments on that

24 sentence and says, It should be no later than

25 5:00 p.m. unless special request to and

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1 LISA CARWYLE

2 approved by BOS.

3 Do you see that?

4 A. I do.

5 Q. And BOS is board of supervisors?

6 A. Right.

7 Q. Okay. What does -- what does this

8 comment mean?

9 A. He's commenting that we need to

10 address the time frame that it's allowed,

11 again, going back to him being concerned with

12 events after dark. He said it should be no

13 later than 5:00 p.m. He -- and then he's

14 saying, unless -- he was suggesting that, if

15 possible, we should change the policy to put in

16 there that, you know, if somebody had a special

17 request to use it after dark, that it should go

18 directly to the board of supervisors.

19 Q. And did the board want a bigger

20 role in the permitting process?

21 A. I don't believe so. No.

22 Q. Was this authority given to the

23 board in the final policy?

24 A. No.

25 Q. Why was it not?

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1 LISA CARWYLE

2 Sheriff East wanted the board of supervisors to

3 have the authority whether to grant special

4 weekend use?

5 A. I do not.

6 Q. Did you think it was necessary for

7 the board of supervisors to have authority to

8 grant permits for weekend use?

9 A. I don't think it's necessary, no.

10 Q. So go to tab -- or document that

11 begins with number 16, which will be

12 Exhibit 13.

13 (Exhibit 13 was marked for

14 identification.)

15 (Court reporter

16 clarification.)

17 BY MR. TOM:

18 Q. Do you recognize this document,

19 Ms. Carwyle?

20 A. I do.

21 Q. What is it?

22 A. It's an email to Joey East, David,

23 and the supervisors about a permit application.

24 Q. And what was this permit

25 application for?

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1 LISA CARWYLE

2 A. I do not know. I guess they didn't

3 want it in there. I don't remember it being

4 discussed with the board to -- for it -- their

5 approval to be included or not included.

6 Q. Did this become part of your

7 practice to get approval from the board for

8 events on weekends?

9 A. Has it become part of our practice?

10 Q. Yes.

11 A. No.

12 Q. So, as of today, does the board

13 have any role in granting or denying permits

14 for use of county property?

15 A. No. Unless, like I said before, if

16 somebody did not like my granting or denying,

17 they could appeal it to the board of

18 supervisors.

19 Q. And is that appeal provision

20 somewhere in the policy?

21 A. It's not stated in the policy, but

22 that's just state law regarding any decision

23 made. It's always available to be appealed to

24 the board of supervisors.

25 Q. Do you have any idea why

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1 LISA CARWYLE

2 A. It was from a Deanna Jackson --

3 Jackson wanting to do, like, a prayer -- "Love

4 Your Neighbor" prayer on the courthouse lawn.

5 Q. Do you remember what that event

6 was?

7 A. Do I remember what it was?

8 Q. Uh-huh. What is -- what is Love

9 Your --

10 A. I believe it's what I just --

11 Q. What is --

12 A. I'm sorry.

13 Q. What is Love Your Neighbor and

14 Prayer? Like, what happened at that event?

15 A. I think they just wanted every- --

16 I'm not a hundred percent sure how it happened.

17 She mentioned, you know, people driving by and

18 maybe, I think, pulling over in a crosswalk for

19 them to pray for them and with them.

20 Q. This -- did this have to do with

21 the monument or with George Floyd?

22 A. It was in response to the conflict

23 of the protests that were going on, you know,

24 both sides, like I said, protesting and that

25 conflict. In response to that, she wanted a

<p style="text-align: right;">Page 110</p> <p>1 LISA CARWYLE</p> <p>2 "let's all come together and pray."</p> <p>3 Q. And so this permit application was</p> <p>4 made on July 1st, and she wanted either</p> <p>5 July 5th or July 8th, both of which are less</p> <p>6 than 30 days, right?</p> <p>7 A. Right.</p> <p>8 Q. So why did you send this permit</p> <p>9 to -- or strike that.</p> <p>10 You sent this permit to the</p> <p>11 supervisors just as a heads-up, as you</p> <p>12 mentioned before, with other permits?</p> <p>13 A. Right. So they would be aware.</p> <p>14 Uh-huh.</p> <p>15 Q. So open document that begins with</p> <p>16 17, which we'll introduce as Exhibit 14.</p> <p>17 (Exhibit 14 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. TOM:</p> <p>20 Q. Do you recognize this document?</p> <p>21 A. Yes. It's an email from Joey East</p> <p>22 saying that there were no security threats or</p> <p>23 reasons to not allow the permit.</p> <p>24 Q. And it had to do with the same</p> <p>25 event as we discussed before, the Love Your</p>	<p style="text-align: right;">Page 111</p> <p>1 LISA CARWYLE</p> <p>2 Neighbor and Prayer event, right?</p> <p>3 A. Right.</p> <p>4 Q. So if you look on page 5 of the</p> <p>5 document, which is Bates number 315, you know,</p> <p>6 you tell Deanna Jackson that July 5th was</p> <p>7 approved, right?</p> <p>8 A. Right.</p> <p>9 Q. And so she applied on July 4th and</p> <p>10 got approved for an event that was held on</p> <p>11 July 5th?</p> <p>12 A. No. She did not apply on July 4th.</p> <p>13 Q. No, July 1st. I -- let me</p> <p>14 rephrase. She applied for this permit on</p> <p>15 July 1st for an event on July 5th and was</p> <p>16 approved, right?</p> <p>17 A. Right.</p> <p>18 Q. Why did you waive the 30-day notice</p> <p>19 requirement here?</p> <p>20 A. It falls under the same criteria</p> <p>21 of -- of people wanting to use their First</p> <p>22 Amendment right to come out and, you know, in</p> <p>23 response to protesting and everything that was</p> <p>24 going on. I just answered this before. But</p> <p>25 their desire to bring people together, love</p>
<p style="text-align: right;">Page 112</p> <p>1 LISA CARWYLE</p> <p>2 your neighbor, and pray. That's why I approved</p> <p>3 it. Just like the same reason I approved</p> <p>4 people who came out to protest in support of</p> <p>5 George Floyd, in support of the statue, or</p> <p>6 against the statue.</p> <p>7 Q. Okay. So does this -- does this</p> <p>8 expand the reasons why you would grant a</p> <p>9 permit? Because before, you said that it was</p> <p>10 for or against the statue or if it was George</p> <p>11 Floyd, you would consider waiving the notice</p> <p>12 requirement.</p> <p>13 A. Well, it doesn't just have to be</p> <p>14 George Floyd.</p> <p>15 Q. Okay. Explain it to me.</p> <p>16 A. Did somebody -- I thought somebody</p> <p>17 else said something.</p> <p>18 You know, it -- because there might</p> <p>19 be another instance -- incident come up similar</p> <p>20 in the future. I mean, it's just, like I said,</p> <p>21 we do not want to stand in the way of anybody's</p> <p>22 right to demonstrate, to protest, for free</p> <p>23 speech.</p> <p>24 Q. Okay. So is it -- because, you</p> <p>25 know, before we -- we -- I thought we had</p>	<p style="text-align: right;">Page 113</p> <p>1 LISA CARWYLE</p> <p>2 nailed it down that you would, you know,</p> <p>3 consider waiving the notice requirement if it</p> <p>4 was for or against the statue or if it was</p> <p>5 about George Floyd.</p> <p>6 A. Well, obviously, I'm not just only</p> <p>7 concerned with George Floyd's death or people</p> <p>8 aren't only concerned with that. There would</p> <p>9 be other times -- hopefully, it doesn't ever</p> <p>10 happen again in the future, but if it did, then</p> <p>11 yes. I wouldn't just say it was only because</p> <p>12 of him.</p> <p>13 Q. So what -- what are the criteria</p> <p>14 that you'd use if it's not just George Floyd</p> <p>15 and if it's not just the monument for</p> <p>16 determining whether to waive the notice</p> <p>17 requirement?</p> <p>18 A. I guess I don't have a good word</p> <p>19 for it, but, it's, you know, depending on the</p> <p>20 environment of what's going on in our culture</p> <p>21 of their need to do that, if it's</p> <p>22 time-sensitive to them.</p> <p>23 Q. And what do you mean by</p> <p>24 "environment"?</p> <p>25 A. What the -- what am I trying to</p>

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1 LISA CARWYLE

2 say? The mood of what -- everybody's emotions

3 of what -- and reaction to some event, like

4 George Floyd's death.

5 Q. And how do you determine the mood?

6 A. I do not know.

7 Q. So do you use any criteria when

8 determining the mood?

9 A. I mean, I guess it's based on what

10 we see here in the -- in the public, in the

11 media, and the people who are calling and

12 asking to do this. That -- you know, I can

13 tell what the mood is when people are out

14 there, you know, wanting to protest.

15 Q. So what else do you use besides the

16 mood to determine whether the notice

17 requirement should be waived?

18 A. I feel like I've -- I've said it

19 500 times. I'm trying to think of a way to say

20 it differently.

21 We do not want to prohibit people

22 from expressing themselves, from free speech

23 when there is a need, a desire, to protest in

24 response to some type of event like that. That

25 was the criteria I used. I cannot sit here and

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1 LISA CARWYLE

2 A. I do.

3 Q. And what is it?

4 A. Well, I haven't scrolled all the

5 way through it, but, first, I sent it -- it's

6 an email to Joey East and David O'Donnell and

7 the supervisors asking if they changed anything

8 as far as the number of days to issue a permit

9 at a meeting I was not present at.

10 Q. So Exhibit 15, this involves a

11 permit for Take It Down Oxford for a peaceful

12 gathering to attend a BOS meeting, right?

13 A. Right.

14 Q. And it was submitted on July 14th,

15 2020, and for the meeting on -- for the event

16 to be held on July 20th, 2020, right?

17 A. Uh-huh. Right.

18 Q. And this -- this permit was

19 granted, right?

20 A. Yes.

21 Q. Why did you decide to waive the

22 notice requirement here?

23 A. Because there was a lot of --

24 again, this was related to the Confederate

25 statue and wanting to take it down. So --

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1 LISA CARWYLE

2 foresee every possible scenario to tell you how

3 that would be analyzed or not. I can tell you

4 what I did.

5 Q. And did you come up with those

6 criteria yourself?

7 A. I mean, some of it was in

8 consultation with our county attorney.

9 Q. Did you discuss with anybody else

10 to come up with the criteria of whether to

11 waive the notice requirement?

12 A. No, not criteria. Again, we

13 wouldn't waive it if the sheriff could not

14 provide security for the event. If he didn't

15 have enough manpower, didn't have enough days

16 to get that together, then I would not have

17 approved it.

18 Q. So will you go to document that

19 begins with 18?

20 MR. TOM: We'll do that as

21 Exhibit 15.

22 (Exhibit 15 was marked for

23 identification.)

24 BY MR. TOM:

25 Q. Do you recognize this document?

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1 LISA CARWYLE

2 well, wait a minute. This was in response to,

3 I guess, their vote to not take it down, and

4 they wanted to protest because of that. So

5 I -- so I allowed it.

6 Q. Go to the first page of this

7 exhibit, which has Bates number 324. And

8 there's two emails on this page. At the bottom

9 email, it's an email from you to Joey East and

10 David O'Donnell. And you say, Did y'all

11 discuss at the board meeting last Monday to

12 change the requirement on the number of days to

13 issue a permit?

14 And then at the top, you say, I

15 don't know if y'all decided to change the

16 number of days required to issue a permit, but

17 I received this Tuesday right before 5:00.

18 Why did you say that?

19 A. Because I didn't know if they had

20 made any changes to the number of days that was

21 required to issue a permit, and I was checking.

22 Q. Why would that matter?

23 A. Well, I wanted to know, because I

24 administer the policy, if there was a change to

25 the permit. It obviously did not matter in

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1 LISA CARWYLE

2 this case, but I just -- I -- those are some

3 things I'd like to know.

4 Q. But -- so you -- you have already

5 said that you had the discretion to waive the

6 requirement or not, irregardless of what the

7 policy said, right?

8 A. That's right.

9 Q. So why would it matter whether they

10 changed it or not if you had that discretion?

11 A. Well, as I implement the policy, I

12 would like to know if changes are -- were made

13 to it.

14 Q. If a change had been made to it,

15 how would that have affected this permit?

16 A. Well, considering they did it

17 seven -- six days in advance and it was

18 approved, then it wouldn't have changed it.

19 But I would need -- still need to know any

20 changes to our policy.

21 Q. Were you looking for an excuse to

22 deny this permit?

23 A. I was not, because I approved the

24 permit.

25 Q. Well, I'm just getting to this

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1 LISA CARWYLE

2 changed for the Take It Down board of

3 supervisors gathering but not for the Love Your

4 Neighbor event?

5 A. Because on July 1st, I was here

6 working. July -- let me look at my

7 calendar -- 6th through the 10th, I was on

8 vacation, and I missed the board of supervisor

9 meeting on July 6th. So when I come back to

10 work, I want to know did they change anything

11 in that meeting. Love Your Neighbor was

12 applied, and that email was sent prior to me

13 being on vacation and prior to that meeting.

14 Q. I see. So will you go to document

15 number 19, which we'll introduce as Exhibit 16?

16 (Exhibit 16 was marked for

17 identification.)

18 BY MR. TOM:

19 Q. Do you recognize this one?

20 A. I do.

21 Q. What is it?

22 A. It's a board order revising the

23 facility use policy on July 20th, 2020.

24 Q. And this order reduces the

25 advance-notice requirement to 14 days from 30,

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1 LISA CARWYLE

2 language about -- you know, you were inquiring

3 about whether they changed the notice

4 requirement or not and why -- why you would ask

5 that.

6 A. I would ask that because, as county

7 administrator, I need to know of any changes to

8 the facility use policy or any other policy

9 that the board sets.

10 Q. So remember when -- let's go back

11 to Exhibit 13, which is the document that has

12 Bates numbers 311 to 317.

13 A. Can you tell me what document

14 number that is?

15 Q. It begins with 17.

16 A. Okay.

17 Q. So this -- this permit was about

18 the Love Your Neighbor and Prayer event that

19 was applied for on July 1st for an event that

20 was held on July 5th, and it was approved. And

21 then document number 18, which is Exhibit 15,

22 was -- was applied for on July 14th for an

23 event on July 20th.

24 And so why was it that you were

25 asking about whether the notice requirement was

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1 LISA CARWYLE

2 and also imposed a curfew on the county

3 courthouse grounds, right?

4 A. Right.

5 Q. Why were these changes made?

6 A. The curfew was made based on

7 Sheriff East's recommendation and concern about

8 safety issues of events happening up there

9 after dark. I believe the 14 days was we were

10 concerned that 30 days was too many, and so

11 we -- they changed -- voted to change it to 14.

12 Q. 30 days was too many for -- why was

13 30 days too many?

14 A. I think they believed it was too

15 many for the applicant to have to comply with,

16 so they changed it to 14 days.

17 Q. Who thought that?

18 A. I couldn't tell you specifically

19 who thought that. I know the sheriff thought

20 he could, you know, deal with a 14-day time

21 frame, and so it was changed.

22 Q. So are the courthouse grounds

23 dangerous at night?

24 A. I believe it -- I believe it is

25 more dangerous to have an event there at night.

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1 LISA CARWYLE

2 Q. Why is that?

3 A. It's not lit well at all. It's

4 very poorly lit. It's more like ornamental

5 lighting. And, of course, when it's dark, for

6 the people driving around the square, it's more

7 dangerous for them because their line of vision

8 is not as well as it would be during the day.

9 And so it's dangerous for people who are using

10 that area and possibly spilling out into the

11 street. It's also more dangerous, if you were

12 to have some type of conflicting groups there,

13 for the sheriff's department to be able to

14 handle a situation like that.

15 Q. And are there specific incidents

16 that happened? Let me rephrase that.

17 Are there specific incidents about

18 those safety concerns on the courthouse

19 grounds?

20 A. I mean, obviously, there's, you

21 know, security/safety concerns around the whole

22 square. But I know -- I think a candlelight

23 vigil was done, I think, in June, and I think

24 Sheriff East -- it brought it to his attention

25 more that a circumstance like that could

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1 LISA CARWYLE

2 Q. When was it first discussed?

3 A. I couldn't tell you an exact date.

4 But definitely for at least a couple of months

5 before that, before it was adopted. And then,

6 really, the big difference was having a new

7 sheriff who, I think, looked at things probably

8 a little bit differently, was more -- just

9 wanted to be more proactive to keep something

10 bad from happening, than just reacting to and

11 making changes after there was some event.

12 Q. So the first time you've ever heard

13 of a curfew being discussed was when Joey East

14 became the sheriff?

15 A. Yes.

16 Q. And when did he become sheriff?

17 A. First of January of 2020.

18 Q. Had you ever heard of a curfew

19 being discussed by anyone before that?

20 A. I don't remember any.

21 Q. Has a curfew ever been placed on

22 any county property before July 2020?

23 A. I -- I don't know.

24 Q. Was a curfew considered when the

25 facility use policy was amended on March 4th,

Page 123

1 LISA CARWYLE

2 escalate into a bigger issue, problems.

3 Q. Do you have a -- do you have any

4 idea why that was?

5 A. Do I have any idea why he felt like

6 that?

7 Q. Uh-uh.

8 A. I think -- I believe he told me

9 this. I don't -- that there were some -- the

10 candlelight vigil were people there in

11 support -- I guess you would say in support of

12 the statue, because they were there for that

13 Anthony Hervey that had passed away. And I

14 think maybe people coming by and yelling at

15 them and, you know, some conflict. Maybe

16 people came up to them. I don't know. But he

17 was concerned about security issues when it was

18 dark.

19 Q. So before this amendment was

20 adopted in July of 2020, has a curfew ever been

21 placed on the county courthouse grounds, to

22 your knowledge?

23 A. I don't know of a curfew formally

24 being placed, but it had been discussed for a

25 while prior to this being adopted.

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1 LISA CARWYLE

2 2019?

3 A. I can't say that it was, but I

4 definitely can't say that it wasn't. I

5 don't -- you know, I just don't have a good

6 timeline of exactly when all that was

7 discussed.

8 Q. You said, though, that the first

9 time you'd ever heard of any curfew was when

10 Joey East became sheriff in January of 2020,

11 right?

12 A. That's my recollection, yes.

13 Q. So did the County consider other

14 options besides a curfew?

15 MR. O'DONNELL: Object to

16 form.

17 A. I mean, I guess this goes in line

18 with the curfew, but when we talked about, at

19 the time, maybe we should put gates up, you

20 know, when it's closed. Obviously, the main

21 purpose of the courthouse is for the courthouse

22 itself to function as county government. And

23 so we had talked about when that closed, you

24 know, at 5:00, to possibly put gates up. But

25 that goes in line with the curfew.

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1 LISA CARWYLE

2 Q. Did the County try any other

3 options besides the curfew in order to achieve

4 its public safety goals?

5 A. I mean, obviously -- and that --

6 that'd probably be a better question for the

7 sheriff. I mean, he's always trying to look at

8 options and -- and ways to make it safer.

9 Q. So, to your knowledge, did the

10 County do anything to ensure public safety on

11 the county courthouse grounds, besides

12 implementing the curfew and discussing putting

13 up gates?

14 A. Well, when -- I guess when you say

15 "did we do anything," I mean, obviously, like,

16 through this whole process, that was one of the

17 reasons we made sure we included Sheriff East

18 in the -- in the process, because we -- for the

19 safety. That's something else we did to ensure

20 the public safety, is to make sure he was aware

21 of the events and could handle them.

22 Q. Did the board consider other

23 options besides a curfew and putting up gates

24 around the county courthouse grounds in order

25 to ensure public safety?

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1 LISA CARWYLE

2 use of the courthouse grounds, you know, for at

3 least several years before you became the

4 county administrator, right?

5 MR. O'DONNELL: Object to

6 form.

7 A. Yeah. I'm --

8 MR. O'DONNELL: She

9 doesn't --

10 A. What's your question?

11 Q. People used the square at night for

12 many years, right?

13 A. Yes. They've used parts of the

14 square at night for many years.

15 Q. Including the county courthouse

16 grounds, right?

17 A. I rarely see people at night on the

18 courthouse grounds.

19 Q. But regardless of what you've seen,

20 the people -- you know, not just because, you

21 know, you've seen it, but is it your

22 understanding that people use the square,

23 including the courthouse grounds, at night, and

24 that's happened for many years?

25 A. I mean, yes, they do. But if you

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1 LISA CARWYLE

2 A. I don't know. I don't remember.

3 I'm feeling like I'm forgetting something, but

4 I don't remember.

5 Q. Did you consider any other options,

6 besides a curfew and putting up gates, in order

7 to ensure public safety at the county

8 courthouse grounds?

9 A. Did I consider? Is that what you

10 said?

11 Q. Yeah.

12 A. I don't remember.

13 Q. Is a curfew necessary to ensure

14 public safety on the county courthouse grounds?

15 A. I think the curfew will definitely

16 help ensure public safety on the courthouse

17 grounds after dark.

18 Q. Is it necessary to ensure public

19 safety?

20 A. I believe it is.

21 Q. Why do you say that?

22 A. Based on the information that I've

23 heard Sheriff East discuss, I believe so.

24 Q. So we discussed before how the

25 square is active at night, including, you know,

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1 LISA CARWYLE

2 were to ride around the square at night, you're

3 going to see, you know, a lot more people using

4 the square outside of the courthouse grounds

5 than you will ever see on the courthouse

6 grounds.

7 Q. During that -- during all of these

8 times -- strike that.

9 Is the curfew being enforced?

10 A. It is.

11 Q. Who enforces it?

12 A. I mean, I've enforced it with

13 people requesting permits for that time.

14 Q. Who else enforces it?

15 A. That's how I know it's being

16 enforced, is, like I said, I mean, we've had

17 other permit requests that would maybe spill

18 over into nighttime that I have had to tell

19 them they could -- the permit would be granted

20 if they adjusted their time frame.

21 We are -- I've actually got the

22 director of building services looking at

23 getting some signs made. And like I think I

24 already mentioned, I'm not sure about the

25 gates, but we're getting some -- got some

<p style="text-align: right;">Page 130</p> <p>1 LISA CARWYLE</p> <p>2 quotes and going to discuss whether we want to</p> <p>3 gate it, whether archives and history would</p> <p>4 approve that.</p> <p>5 Q. Have you granted any permits, after</p> <p>6 this July amendment was made, for events at</p> <p>7 night?</p> <p>8 A. I have not.</p> <p>9 Q. So if somebody were to be --</p> <p>10 scratch that.</p> <p>11 If someone is just walking at night</p> <p>12 on the courthouse grounds, would that violate</p> <p>13 the curfew?</p> <p>14 A. It would.</p> <p>15 Q. And who is -- who is -- is anyone</p> <p>16 enforcing that, if someone were to just walk on</p> <p>17 it? Is somebody enforcing that?</p> <p>18 A. I don't know. I mean, the</p> <p>19 sheriff's department is who would need to</p> <p>20 enforce that. Of course, we have -- which is</p> <p>21 one of the issues with safety and security. We</p> <p>22 don't have a huge staff at night, and they are</p> <p>23 responsible for patrolling the whole 600 square</p> <p>24 miles of Lafayette County. So I don't -- I</p> <p>25 can't answer that question. I don't know if</p>	<p style="text-align: right;">Page 131</p> <p>1 LISA CARWYLE</p> <p>2 they are or they're not.</p> <p>3 Q. Do you know if a sheriff's deputy</p> <p>4 is stationed at night on the county courthouse</p> <p>5 grounds?</p> <p>6 A. I'm pretty sure they are not.</p> <p>7 Q. Does the City of Oxford enforce the</p> <p>8 curfew at night on the county courthouse</p> <p>9 grounds?</p> <p>10 A. No. That's not in their</p> <p>11 jurisdiction.</p> <p>12 Q. So besides the -- enforcing the</p> <p>13 curfew when someone applies for a permit, is</p> <p>14 the curfew being enforced besides that?</p> <p>15 A. That is a question for</p> <p>16 Sheriff East. I don't get to tell the sheriff</p> <p>17 what to do.</p> <p>18 Q. Have you gone onto the county</p> <p>19 courthouse grounds for nonwork purposes at</p> <p>20 night after the curfew was imposed?</p> <p>21 A. Have I?</p> <p>22 Q. Yes.</p> <p>23 A. No.</p> <p>24 Q. Have you seen anyone on the county</p> <p>25 courthouse grounds at night since the curfew</p>
<p style="text-align: right;">Page 132</p> <p>1 LISA CARWYLE</p> <p>2 was imposed?</p> <p>3 A. I don't believe so. I'm not up</p> <p>4 here at night very often.</p> <p>5 Q. How has the County made the curfew</p> <p>6 known to the public?</p> <p>7 A. Well, like I said, we are working</p> <p>8 on getting some signs made now. But other than</p> <p>9 that, it would be just how it was reported</p> <p>10 after the meeting, you know, in the policies on</p> <p>11 our website and stuff.</p> <p>12 Q. So this order dated July 20th,</p> <p>13 2020, imposing the curfew was posted on the</p> <p>14 website?</p> <p>15 A. Well, the order is part of the</p> <p>16 minutes that are linked to our website.</p> <p>17 Q. So besides putting this order,</p> <p>18 along with the minutes, on the Lafayette County</p> <p>19 website, how else was the curfew made known to</p> <p>20 the public?</p> <p>21 A. I'm not sure. I would have to</p> <p>22 double-check that. I'm not sure.</p> <p>23 Q. To your knowledge, do you know of</p> <p>24 any other ways that the curfew has been made</p> <p>25 known to the public?</p>	<p style="text-align: right;">Page 133</p> <p>1 LISA CARWYLE</p> <p>2 A. I don't know. I know -- I remember</p> <p>3 a -- we did a press release, I think, after the</p> <p>4 one in June, to make sure everybody understood</p> <p>5 the permitting process. I just can't remember</p> <p>6 right now if we did the same thing in July.</p> <p>7 Q. And you did say that the curfew is</p> <p>8 not posted currently anywhere on the courthouse</p> <p>9 grounds?</p> <p>10 A. It's not.</p> <p>11 Q. Did y'all post a curfew -- or does</p> <p>12 Lafayette County have any social media pages?</p> <p>13 A. Yes.</p> <p>14 Q. What social media pages?</p> <p>15 A. We have Facebook.</p> <p>16 Q. Did you post -- did Lafayette</p> <p>17 County post the curfew on the -- on its</p> <p>18 Facebook page?</p> <p>19 A. That's what I was saying I do not</p> <p>20 remember. If we had done a press release,</p> <p>21 that's where it would have gone, but I don't</p> <p>22 remember.</p> <p>23 Q. The only way that you enforce the</p> <p>24 curfew is through the permit process, correct?</p> <p>25 A. That's the way I enforce it, yes.</p>

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1 LISA CARWYLE

2 Q. Are you aware of any other way that

3 the curfew is enforced?

4 A. I do not know.

5 Q. Now, besides the substantive

6 changes about the notice requirement and the

7 curfew, was the process -- was your process for

8 administering permits changed after the July

9 2020 amendment?

10 A. No.

11 Q. Was the curfew implemented in

12 response to the protests and marches and

13 assemblies occurring in Oxford in the summer of

14 2020?

15 A. Ask me that again.

16 Q. Was the curfew implemented in

17 response to the protests, assemblies, and

18 marches occurring in Oxford in the summer of

19 2020?

20 A. It was related to that, because

21 those caused security and safety concerns with

22 Sheriff East.

23 Q. When you say it was related to

24 that, what does that mean?

25 A. Well, I guess the way you stated it

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1 LISA CARWYLE

2 Q. What is it?

3 A. It's an email about a permit

4 request that I have received.

5 Q. And so this has to do with a

6 different Love Your Neighbor event from Deanna

7 Jackson. That's right, isn't it?

8 A. Right.

9 Q. And so in the -- in the email on

10 the first page of this document, you say to

11 supervisors, Joey East, and David O'Donnell, I

12 received this Friday, so she is within the 14

13 days. Let me know if you see any reason for

14 denial.

15 Why are you asking these people if

16 they see any reason for denial?

17 A. That's really for Joey.

18 Q. So is it your practice, when you're

19 asking Joey a question, to send emails to the

20 supervisors and -- and David O'Donnell?

21 A. I copied them so they would be

22 aware that it was going on.

23 Q. Have you ever asked the supervisors

24 whether they had any reasons to deny a permit?

25 A. No.

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1 LISA CARWYLE

2 makes it sound like we possibly did it because

3 of the protests, but it was done because of the

4 safety concerns related to the protests. I'm

5 just trying --

6 Q. Were --

7 A. -- to clarify.

8 Q. Were there safety concerns

9 unrelated to the protests?

10 A. Yes. There would be safety

11 concerns for people using the courthouse lawn

12 for anything after dark.

13 Q. Did the board impose the curfew in

14 an effort to end the protests on the county

15 courthouse grounds?

16 A. No.

17 Q. So will you open up document

18 number -- that begins with 20?

19 MR. TOM: And we'll introduce

20 this as Exhibit 17.

21 (Exhibit 17 was marked for

22 identification.)

23 BY MR. TOM:

24 Q. Do you recognize that document?

25 A. I do.

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1 LISA CARWYLE

2 Q. So will you go to document 21,

3 which we'll introduce as Exhibit 18?

4 (Exhibit 18 was marked for

5 identification.)

6 BY MR. TOM:

7 Q. Do you recognize this document?

8 A. I do.

9 Q. And what is it?

10 A. This looks like it's a permit

11 application for this Arami -- I don't know how

12 you say -- Harris.

13 Q. And so if you look on the first

14 page of this document, you say that -- no.

15 Scratch that.

16 Go to the fourth page of this

17 document, which is -- has at the bottom, it's

18 numbered Bates -- let's see -- Bates 44.

19 A. Okay.

20 Q. And towards the center, you say,

21 Arami called yesterday and asked if she could

22 extend the time from 11:00 to 12:30 to 11:00 to

23 2:00. What are your thoughts? There isn't

24 much warning between now and Monday.

25 And Joey said, I do not like

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1 LISA CARWYLE

2 changing at the last minute.

3 And you say, I don't either. I'll

4 tell her 11:00 to 12:30 is what she was

5 approved for, and it will have to remain at

6 that.

7 Why did you not like changing the

8 time frame at the -- why did you not like to

9 change the time frame?

10 A. Because we want the sheriff's

11 department to be prepared for what they need

12 and for the time frame needed, and that was

13 last-minute change.

14 Q. Is it within your discretion to

15 grant a time extension?

16 A. Yes.

17 Q. And what criteria do you use when

18 determining whether to grant a time extension?

19 A. How much time prior that they

20 requested. I mean, at some point, you do need

21 people to make a plan and stick to it, because

22 we're planning according to their plan.

23 Q. And how much time is -- is that

24 that you would allow revision versus you

25 wouldn't?

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1 LISA CARWYLE

2 A. From my memory, there was a

3 committee appointed who worked on some

4 contextualization language.

5 Q. What did the board decide regarding

6 that language?

7 A. I don't believe it ever came back

8 up. I don't think anybody ever placed it back

9 on the agenda, so there was no decision made.

10 Q. Why did it never come back up on

11 the agenda?

12 A. I don't know.

13 Q. Did you talk to any of the

14 supervisors about the contextualization

15 language?

16 A. I don't remember from 2017 whether

17 I talked to any of them or not.

18 Q. Do you remember David Rikard's

19 views on contextualization of the Confederate

20 monument in 2017?

21 A. No.

22 Q. Do you remember Chad McLarty's

23 views on contextualization in 2017?

24 A. I do not remember their views, no.

25 Q. Same question for Mike Roberts.

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1 LISA CARWYLE

2 A. It would be based on the sheriff's

3 response to me.

4 Q. And so it was -- it's -- whether to

5 allow a time extension is just within the

6 discretion of you and the sheriff?

7 A. I mean, it's within my discretion,

8 but I would consult with the sheriff before I

9 allowed it.

10 Q. Have you allowed other changes to

11 any permit application, to your knowledge?

12 A. I don't remember.

13 Q. So how many times has the County

14 taken up the issue of moving or contextualizing

15 the Confederate statue on the courthouse

16 grounds?

17 A. I don't know how many times.

18 Q. The board considered

19 contextualizing the statue in 2017, right?

20 A. Right.

21 Q. And the board decided not to

22 contextualize it, right?

23 A. No. I don't know that they decided

24 not to contextualize it.

25 Q. What did the board decide in 2017?

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1 LISA CARWYLE

2 A. I don't remember any of their views

3 on contextualization, any of the supervisors.

4 Q. Do you remember Joey East's views

5 on the contextualization?

6 A. Well, Joey East was chief of police

7 in 2017, so I don't believe -- if he had views,

8 they wouldn't have been talked about with the

9 County.

10 Q. Did you talk with Joey East in a

11 personal manner about his views on

12 contextualization?

13 A. No.

14 Q. And the board voted unanimously

15 this summer, July 6th, 2020, to keep the

16 Confederate monument in place, correct?

17 A. Right.

18 Q. And did you talk with any of the

19 supervisors about their decision to keep the

20 Confederate monument in place?

21 A. I don't remember any specific

22 conversation. I was not at that meeting. That

23 was when I was on vacation.

24 Q. Outside of the meeting, did you

25 have any conversations with any of the

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1 LISA CARWYLE

2 supervisors about whether to move the statue?

3 A. I don't remember any specific

4 conversations to say I did or I didn't.

5 Q. Did you have any conversations with

6 Sheriff East about whether to move the statue

7 this summer?

8 A. I don't believe so.

9 MR. TOM: Can we take a

10 five-minute break? I'm almost

11 done. Just let me review some

12 stuff, and we'll -- we'll pop back

13 on. And I'll either end it or ask

14 a few more questions.

15 THE VIDEOGRAPHER: Going off

16 record -- going off record. The

17 time is 12:41.

18 (Recess from 12:41 p.m. to

19 12:46 p.m.)

20 THE VIDEOGRAPHER: Back on

21 record at 12:46.

22 MR. TOM: Ms. Carwyle, thanks

23 for taking the time to speak with

24 me today. No further questions.

25 THE WITNESS: Thank you.

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1 LISA CARWYLE

2 REPORTER'S CERTIFICATE

3 I, Greta H. Duckett, Certified Court

4 Reporter, Registered Professional Reporter, and

5 Certified Realtime Reporter, hereby certify

6 that on Thursday, December 17, 2020, I reported

7 the remote deposition of LISA CARWYLE, who was

8 first duly sworn or affirmed to speak the truth

9 in the matter of the foregoing cause, and that

10 the pages herein contain a true and accurate

11 transcription of the examination of said

12 witness by counsel for the parties set out

13 herein.

14 I further certify that I am neither of

15 kin nor of counsel to any of the parties to

16 said cause, nor in any manner interested in the

17 results thereof.

18 This 31st day of December, 2020.

19

20 *Greta Duckett*

21 _____

GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S

22 ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671

23

24

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1 LISA CARWYLE

2 MR. O'DONNELL: I have no

3 questions.

4 THE VIDEOGRAPHER: We're

5 going off record. The time is

6 12:47.

7 (The deposition of LISA

8 CARWYLE concluded at

9 12:47 p.m. Central Standard

10 Time.)

11 * * * * *

12

13

14 _____

Lisa Carwyle

15

16

17

18 SUBSCRIBED AND SWORN BEFORE ME

19 THIS ____ DAY OF _____, 2020.

20

21 _____

22

23

24

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1 ERRATA SHEET

2 Case Name:

3 Deposition Date:

4 Deponent:

5 Pg.	No.	Now Reads	Should Read	Reason
6	---	---	---	---
7	---	---	---	---
8	---	---	---	---
9	---	---	---	---
10	---	---	---	---
11	---	---	---	---
12	---	---	---	---
13	---	---	---	---
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15	---	---	---	---
16	---	---	---	---
17	---	---	---	---
18	---	---	---	---
19	---	---	---	---
20	---	---	---	---

21 _____

Signature of Deponent

22 SUBSCRIBED AND SWORN BEFORE ME

23 THIS ____ DAY OF _____, 20____.

24 _____

25 (Notary Public) MY COMMISSION EXPIRES: _____

\$	17th 9:21	20th 104:8 116:16 119:23 120:23 132:12	4	89:5
\$50 42:20	18 99:9 115:19 119:21 137:3,4	21 137:2	4 35:25 49:16 55:16, 17	91 58:19,20,25 59:6, 25
1	19 39:10 45:16 46:3 85:2 120:15	21st 104:7	44 137:18	92 58:25
1 9:11 31:5,8 32:17 35:7 41:4,9,11 50:12 51:6,8	1995 17:12 19:11	249 92:4	47 23:6	93 59:2
10 21:4 76:7 91:23 101:2,19,25 102:10	1998 18:8	25 23:10	4th 43:6,11 111:9,12 124:25	94 58:20 59:2,7
10:00 105:20	19th 94:11	250 92:16,20 93:11	5	95 17:18,19
10:02 32:9,11	1st 110:4 111:13,15 119:19 120:5	253 92:16 93:18 95:10	5 55:15 57:23,24 58:17 59:4 111:4	9:08 9:20
10:23 50:15	2	264 92:17 94:17 95:15	50 69:4	9:35 32:7,8
10th 120:7	2 35:9,20 40:24 41:4, 12,13,14,17 42:11	265 99:6	500 114:19	A
11 87:6 103:6,7	20 37:10 66:19 76:5 86:14 135:18	269 101:20 102:11	5:00 105:25 106:13 117:17 125:24	a.m. 32:8,9 50:15 101:13,14
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